



## **Chapter 107**

## **WESTCHESTER COUNTY CHARTER**

### **COUNTY BOARD**

Sec. 107.01. The County Board of Legislators; general powers.

The legislative body of Westchester County shall be known as the County Board of Legislators and, except as otherwise provided by law, shall be vested with all the powers and duties of the county and with all the powers and duties which now are, or may hereafter be, conferred or imposed by law on boards of supervisors or other governing bodies of counties. Wherever the term "County Board" or "Board of Supervisors" appears in any provisions of this act or of the Westchester County Administrative Code, it shall be deemed to mean and refer to the County Board of Legislators.

(Added as § 5 by L.L. No. 1-1970\*)\*Editor's note-Local Law No. 1-1970 repealed former § 5, as adopted by the Laws of 1937, Ch. 617, and amended by the Laws of 1942, Ch. 624, which provided for a referendum vote on creation of a County Board.

Sec. 107.11. Members: term, vacancies, vote.

(a) The County Board of Legislators shall consist of such number of members elected from each County Board district as shall be set forth in section 107.31 of this act. The term of office of members of the County Board shall be two years and shall begin on the first day of January next following their election. Members of the County Board shall be known as county legislators and shall be county officers.

(b) (1) Whenever a vacancy in the office of County Legislator shall occur more than seven months prior to expiration of his or her term of office, such office shall be filled for the remainder of the unexpired term at a special election in the legislative district of said vacated office, to be called by the County Board as soon as practicable and, in any event, to be held no later than 90 days from the date of such vacancy. Notice of a special election called hereunder shall be in the manner provided for in the Election Law for notice of a general election. To the maximum extent feasible, the provisions of the Election Law governing the conduct of a special election shall apply. It shall be the duty of the Board of Elections to prepare ballots, voting machines and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this law shall

be borne by the county.

(2) Whenever a vacancy in the office of County Legislator occurs within seven months prior to expiration of his or her term of office, such vacancy may be filled by an appointment made by the remaining members of the board of an individual otherwise qualified to hold such office. The appointee shall not be a candidate for any public office. In the event that the appointee becomes a candidate for a public office to be filled at an election to be held within the same calendar year as his or her appointment, the appointee will automatically forfeit the position of County Legislator. For the purposes of this section, a person shall be deemed a candidate for public office upon: failing to decline designation as a candidate for nomination or failing to decline a nomination, within the times set forth in the Election Law; or by becoming a candidate by prevailing in an opportunity to ballot. Otherwise the appointee shall serve as County Legislator until an individual is certified by the Board of Elections to be County Legislator-elect for that legislative district as a result of the general election scheduled in November. Upon such certification, the County Legislator-elect shall take office and thereby shall replace the appointee, if any, for the remainder of the unexpired term. The determination of the Board of Legislators as to an appointee's qualification or forfeiture of office shall be conclusive.

(c) Each County Legislator shall be entitled to one vote. Except as otherwise expressly provided in this act or in the Local Finance Law, action of the County Board shall be by a majority vote of all members of the board, provided that a vote to adjourn or to take action regarding the attendance of absent members may be taken by a majority of the members present.

(Added as § 6 by L.L. No. 10-1970; amended by L.L. No. 21-1993; L.L. No. 26-1998)\*

\*Editor's note-Local Law No. 10-1970 repealed former § 6, as adopted by the Laws of 1937, Ch. 617, which established the general powers of the County Board; Local Law No. 21-1993 was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on 11-2-1993 and it took effect on 1-1-1994; Local Law No. 26-1998 was submitted to the people by reason of a mandatory referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on 11-3-1998.

#### Sec. **107.21.** Specific powers.

In pursuance of and in addition to all powers specified in the preceding section, the County Board shall have power, subject to the provisions of this act, to:

(1) Create, organize, alter or abolish departments, commissions, boards,

bureaus, offices and employments and/or transfer their functions and duties;

(2) Exercise all powers of local legislation and administration as provided for counties in Article 9 of the Constitution of the State of New York;

(3) Provide by act for the compensation of appointive officers and employees;

(4) Fix the number of deputies, assistants, clerks and other persons to be employed in the several departments, offices and commissions of the county;

(5) Provide for the creation of offices other than those required by the constitution and laws of the state, and by this act;

(6) Provide for officers hereafter created by law or for the allocation of their duties to existing officers;

(7) Provide for the assumption and discharge by county officers of such functions of cities, towns, villages and special districts as may devolve on the county by this act or by contract or by transfer or be conferred otherwise by law;

(8) Fix the amount of all bonds and approve the sureties of all county elective and appointive officers and county employees;

(9) Employ such legal, financial or other technical advisers as may be necessary from time to time, in relation to the performance of any of the functions of county government;

(10) Enact such acts and make such reasonable rules and regulations as may be necessary and proper to carry out the provisions of this act and of general law applicable to the county, and provide for the enforcement of such acts by appropriate penalties;

(11) Make appropriations, levy taxes and, except as otherwise provided by the Local Finance Law, incur indebtedness for the purpose of carrying out any of the powers and duties conferred or imposed on the county or any officer, department, board, commission or other authority thereof, by this act or otherwise by law;

(12) Investigate the official conduct and the accounts, receipts, disbursements, bills and affairs of any office or officer of the county, or of any office or officer of any special county district or other unit of county government, and make such studies or investigations as it deems to be in the best interests of the county, and for such purposes may subpoena witnesses, administer oaths and require the production of books, papers and other evidence, and in case any person fails or refuses to obey any such subpoena, he shall be guilty of a misdemeanor, and subject to such penalties as the County Board, by act, may prescribe;

(13) Determine and make provision for any matter of county government not otherwise provided for, including any matter involved in transition to the form of government provided by this act.

(§ 7 of the Laws of 1937, Ch. 617; amended by the Laws of 1942, Ch. 624; Laws of 1943, Ch. 710; Laws of 1951, Ch. 345)

Cross references-Powers of County Board; Ch. 209, Art. II.

Sec. 107.31. County Board districts: nomination and election of members; number and qualification of members.

(a) For the purpose of electing county legislators, the County of Westchester shall be divided into 17 districts, from each of which one county legislator shall be elected. Nominations for the office of county legislator shall be made at the primary election held in the respective districts from which they are to be elected in the same manner as other county officers are nominated in accordance with the provisions of the election law.