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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Montgomery
~~Town~~
~~Village~~

Local Law No. 9 of the year 19 87

A local law Establishing a Department of Solid Waste Management for the County of
(Insert title)
of Montgomery, New York and Amending Local Law No. 3 of 1969

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
~~City~~ of Montgomery as follows:
~~Town~~
~~Village~~

Legislative Intent: The Montgomery County Board of Supervisors wishes to establish a Department of Solid Waste Management to administer the functions of any and all existing and proposed solid waste management systems, facilities and programs, in which the County of Montgomery is a party, has interest, or is in any way involved herewith.

Section I. Department of Solid Waste Management; Department Head; Qualifications. There shall be a Department of Solid Waste Management, the head of which shall be appointed on the basis of experience and qualifications for the duties of such office. The Commissioner of the Department of Solid Waste Management shall be a person with professional experience in the planning and management of solid waste management facilities. Such Commissioner shall be appointed by the Board of Supervisors to serve for a term of five years. The Commissioner shall be in the exempt class of State Civil Service. The annual salary of said Commissioner shall be established and adjusted from time-to-time by the Board of Supervisors.

Section II. Powers and Duties. The Commissioner of Solid Waste Management shall:

- a. Be responsible to the Board of Supervisors for administering and overseeing the operation of all solid waste management programs undertaken by the County, in compliance with applicable Federal, State and local regulations.
- b. Be responsible for the administration, operation and maintenance of any capital facilities pertaining to solid waste management, including physical plants, buildings, equipment, real estate and other appurtenances, that may be owned, operated, leased or otherwise held by the County or in which the County may have an interest, for the purpose of transporting, collecting, storing, processing, reselling, landfilling, or otherwise managing solid waste and sludges.

- c. Be responsible for the development of proposals for solid waste management facilities to serve the County and for the administration of planning, studies, development and ultimate operation of County solid waste management facilities, including advising and supervising of the design and construction of all capital projects for any and all solid waste management facilities.
- d. Be responsible for coordination with local governments of all planning, development, and operation of the solid waste facilities; coordination also with any other participating municipalities.
- e. Within the annual appropriations provided, therefore, and when authorized by the Board of Supervisors, the Commissioner may contract such special engineering or other technical professional services as may be necessary for the performance of the Department of Solid Waste Management.
- f. Pursuant to Section 35(e) of New York State Civil Service Law, have authority, direction and control over the Department of Solid Waste Management and the authority to appoint and remove employees of the Department, as is specified in Section 75 of the New York State Civil Service Law.
- g. Be responsible for submitting an annual report of operations to the Board of Supervisors at the close of each fiscal year.
- h. Be responsible for proposing schedules of rates and fees for solid waste services, and with the approval of the Board of Supervisors, collecting and enforcing the collection of the same.

Section III. Amendment. Local Law No. 3 of 1969, a Local Law Establishing a Department of Public Works and Prescribing the Powers and Duties Thereof, Pursuant to Section Ten of the Municipal Home Rule Law of the State of New York, is hereby amended as follows:

In Section 2. Powers and Duties, subparagraph d., delete reference to powers and duties pertaining to "sanitation, sewerage."

Section IV. Any appointment of personnel made to this department must be approved by a majority vote of the full Board of Supervisors.

Section V. Saving Clause. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

Section VI. Effective Date. This local law shall take effect within 20 days or upon it being filed with the Secretary of State of the State of New York.