



# TOWN OF PORTVILLE, NEW YORK

## TOWN OF PORTVILLE, NEW YORK LOCAL LAW 6 2008 CHANGE OF HIGHWAY SUPERINTENDENT FROM ELECTED TO APPOINTED

**Whereas,** Heretofore the Highway Superintendent has been an elected position with a two year term expiring in every other odd numbered year; and,

The elected Highway Superintendent annually receives a Town Board approved budget for the operations of the Highway Department in a given year and henceforth in that year does not have Town Board statutory reporting or approval requirements except as specified in the annual "284 Agreement" or when notified by the Town Board that the Highway Budget for that year has been fully expended and therefore all subsequent purchases must be presented for consideration of Town Board approval prior to any purchase taking place; and,

The performance of duties by the elected Highway Superintendent does not have quality performance standards or asset management controls that can be set forth and consequence of non-compliance exercised by the Town Board; and,

The elected Highway Superintendent must be a citizen of the Town of Portville; and,

The elected Highway Superintendent does not have any statutory requirements to have management qualifications or operational experience to be elected as Highway Superintendent.

**Now therefore,** Be it enacted by the Town Board of the Town of Portville that:

With the simple majority approval of the electors of a referendum ballot on February 24, 2009 that the position of elected Highway Superintendent and its incumbent shall be terminated on that date and that subsequently on February 25, 2009 that the position of Highway Superintendent shall be appointed; and,

A qualified candidate for the position of appointed Highway Superintendent must be a United States citizen, be at least 18 years of age, be legally qualified and insurable to operate all commercial vehicles within the town's highway department, have appropriate management and operations experience, and be a citizen of and qualified to vote in the municipal corporation of residence in either Cattaraugus or Allegany counties; and,

The selection, appointment, and termination of a qualified individual to the position of appointed Highway Superintendent shall be the responsibility of the Town Board; and,

The position of appointed Highway Superintendent shall report to and be managed by the Town Board; and,

The incumbent in the position of appointed Highway Superintendent shall have agreed in writing to the terms and conditions of employment, performance, and retention specified by the Town Board prior to appointment by the Town Board; and,

The initial term for the appointed Highway Superintendent shall expire on December 31, 2010 and all subsequent appointed term durations for this position shall be two years; and,

The appointed Highway Superintendent shall be additionally responsible for ensuring compliance with New York State Highway Law and any other directives, regulations, resolutions or laws set forth by the Town Board.

The colloquial name of this Local Law 6 2008 shall be "Change of Highway Superintendent from Elected to Appointed".

If approved by the electors of the Town of Portville, this local law becomes effective February 25, 2009.