

Proposed Local Law Number 3 Of 2024

County Of Ulster

A Local Law Amending Article V Of The Ulster County Charter (Local Law No. 2 Of 2006) And Amending Section Article V Of The Administrative Code For The County Of Ulster (Local Law No. 10 Of 2008) To Modify Various Provisions In Relation To The Commissioner Of Health Or Public Health Director And The Medical Examiner

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. Article V Section C-41 of the Ulster County Charter is REPEALED and a new Section C-41 is added to the Ulster County Charter to read as follows:

§ C-41. Commissioner of Health or Public Health Director.

A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. ~~In addition, he or she shall be a licensed physician with experience in public health. He or she~~ **They** shall be appointed by the County Executive in consultation with the Board of Health and ~~with~~ **subject to** confirmation by the County Legislature and serve at ~~his or her~~ **the County Executive's** pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~ **they** may only be removed for cause after written notice of charges and an opportunity to be heard.

B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. ~~He or she~~ **They** shall perform such other and related duties required by the County Executive **or County Legislature, and shall be vested with authority, direction and control over the Department of Health, including power to appoint and remove officers and employees within the department.**

SECTION 2. Article V Section C-43 of the Ulster County Charter is REPEALED and a new Section C-43 is added to the Ulster County Charter to read as follows:

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§ C-43. Medical Examiner.

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s), accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. They shall be a physician duly licensed to practice ~~his or her~~ **their** profession in the State of New York and shall:

- A. Be trained to investigate causes of death and order autopsies;
- B. Conduct community education as prescribed by the New York State Department of Health.

SECTION 3. Article V Section A5-1 of The Ulster County Administrative Code is REPEALED and a new Section A5-1 is added to The Ulster County Administrative Code to read as follows:

§ A5-1. Commissioner of Health or Public Health Director.

A. There shall be a Department of Health, headed by a Commissioner of Health or a Public Health Director and Medical Consultant. The Commissioner of Health or Public Health Director shall meet the qualifications for this position specified in the New York State Public Health Law and Sanitary Code. ~~In addition, he or she shall be a licensed physician with experience in public health. He or she~~ **They** shall be appointed by the County Executive in consultation with the Board of Health and ~~with~~ **subject to** confirmation by the County Legislature and serve at ~~his or her~~ **the County Executive's** pleasure, except that if either the Commissioner of Health or Public Health Director is appointed for a fixed term of years pursuant to a provision of state law, ~~he or she~~ **they** may only be removed for cause after written notice of charges and an opportunity to be heard.

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B. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Health or Public Health Director shall have and exercise all the powers and duties conferred or imposed upon county or part-county health commissioners and upon county or part-county boards of health by the Public Health Law or any other law, except as otherwise provided by this Charter. ~~He or she~~ **They** shall perform such other and related duties required by the County Executive **or County Legislature, and shall be vested with authority, direction and control over the Department of Health, including power to appoint and remove officers and employees within the department.**

C. Reports. On or before March 1 of each year, the Commissioner of Health or the Public Health Director shall make an annual report to the County Legislature and County Executive for the immediately preceding calendar year covering generally the work of ~~his or her~~ **their** department. The Commissioner or Director shall make such other reports at such times as may be required by the County Legislature, County Executive, New York State Department of Health or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

SECTION 4. Article V Section A5-2 of The Ulster County Administrative Code is REPEALED and a new Section A5-2 is added to The Ulster County Administrative Code to read as follows:

§ A5-2. Deputy Commissioner of Health or Deputy Public Health Director.

A. The Commissioner of Health or the Public Health Director shall have the power to appoint one or more Deputy Commissioners of Health or Deputy Public Health Directors, within the limits of appropriations therefor. Every appointment shall be in writing and filed in the Office of the County Clerk and the Clerk of the Legislature.

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B. The term of office of any deputy appointed hereunder shall coincide with that of the Commissioner of Health or the Public Health Director, provided that such appointment may be revoked at any time by the Commissioner or the Director by written revocation filed with the County Clerk. All positions of Deputy Commissioner or Deputy Director may be in the exempt class of civil service; or in the alternative, the deputy may also be an additional title which may be designated by the Commissioner or the Director for a department staff member.

C. Deputy Commissioners or Deputy Directors shall perform such duties pertaining to the office of the Department of Health as the Commissioner or the Director may direct and shall act generally for and in such place of the Commissioner or Director and perform such other and further duties as the Commissioner or Director may assign.

D. The designation of an order of succession for the position of Deputy Commissioner or Deputy Director shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner or Director filing a new written designation of order of succession.

E. Should the Deputy so designated by the Commissioner of Health or Public Health Director not be a licensed physician, and should the Commissioner of Health or Public Health Director resign, die or certify in writing and filed with the County Clerk a statement that ~~he or she is~~ **they are** unable to perform and/or exercise the powers and duties of the office, or should ~~he or she~~ **they** be removed from office, then the County Executive, in consultation with the Board of Health and with confirmation by the County Legislature, shall appoint a qualified replacement as soon as practicable.

SECTION 5. Article V Section A5-4 of The Ulster County Administrative Code is REPEALED and a new Section A5-4 is added to The Ulster County Administrative Code to read as follows:

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§ A5-4. Medical Examiner.

The Health Department shall assure the provision of medical examiner services that promote the public health by or under the supervision of qualified Medical Examiner(s), accountable to the Commissioner of Public Health or Public Health Director. The Medical Examiner shall be appointed by the County Executive, on the advice of the Commissioner of Health or Public Health Director, for a term of four years, subject to confirmation by the Legislature. ~~The Medical Examiner shall be a resident of the County of Ulster. He or she~~ **They** shall be a physician duly licensed to practice ~~his or her~~ **their** profession in the State of New York and shall:

- A. Be trained to investigate causes of death and order autopsies;
- B. Conduct community education as prescribed by the New York State Department of Health.
- C. Perform all duties which are now required, or which hereafter may be required by law, of the Medical Examiner. In addition thereto, the Medical Examiner shall perform such additional and related duties involving the exercise of professional skills and training as may be prescribed by the County Executive and District Attorney.
- D. Keep such records and reports as are required by the provisions of § 677 of the County Law. Such records shall be open to inspection by the District Attorney of the County at any time and to other persons as provided for in § 677, Paragraph 3(B), of the County Law.

SECTION 6. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

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SECTION 7. EFFECTIVE DATE.

This Local Law shall become effective upon its filing with the Secretary of State.