

LAID ON DESKS 10/13/15

RESOLUTION NO. 2015250

RE: LOCAL LAW NO. _____ OF 2015, A LOCAL LAW
AMENDING THE DUTCHESS COUNTY CHARTER AND
ADMINISTRATIVE CODE TO MERGE THE DEPARTMENTS OF
HEALTH AND MENTAL HYGIENE TO CREATE
THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

Legislators ROLISON, FLESLAND, BOLNER, HORTON, SAGLIANO, and
WEISS offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2015 which has been submitted this day for consideration by said Legislature.

CA-168-15
JMF/CAB/CRC/kvh/
G-1611-I
10/13/15

Fiscal Impact: None

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9th day of November 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9th day of November 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2015

RE: LOCAL LAW NO. _____ OF 2015, A LOCAL LAW
AMENDING THE DUTCHESS COUNTY CHARTER AND
ADMINISTRATIVE CODE TO MERGE THE DEPARTMENTS OF
HEALTH AND MENTAL HYGIENE TO CREATE
THE DEPARTMENT OF BEHAVIORAL & COMMUNITY HEALTH

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. Legislative Intent. The Legislature hereby determines that the Department of Mental Hygiene should be merged with the Department of Health to create the Department of Behavioral & Community Health under the supervision of a Commissioner of Behavioral & Community Health; in order to coordinate the services set forth herein and to assure that those services are provided to residents of Dutchess County in an efficient and cost effective manner.

SECTION 2: Articles VII of the Charter and Administrative Code of Dutchess County are hereby amended to rename the Department of Health the Department of Behavioral & Community Health. All references in these Articles, as well as any other references in the Charter or the Administrative Code to the Department of Health and Commissioner of Health, shall be amended to read Department of Behavioral & Community Health or Commissioner of Behavioral & Community Health. Notwithstanding the foregoing, the County of Dutchess shall remain a "Health District," as defined by Article 3, Section 340 of the New York Public Health Law. The Commissioner of Behavioral & Community Health shall retain all the powers and duties conferred or imposed upon a county commissioner of health.

SECTION 3: Article IX of the Charter and Code of Dutchess County are hereby eliminated.

DUTCHESS COUNTY CHARTER

SECTION 4. Article VII of the Dutchess County charter is hereby amended to add the Division of Mental Hygiene within the Department of Behavioral & Community Health and shall provide as follows:

Section 7.01. County Health District; Department of Behavioral & Community Health; Commissioner; Appointment; Qualifications; Term. The County of Dutchess shall be a health district. There shall be a Department of Behavioral & Community Health under the direction of a Commissioner of Behavioral & Community Health, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his or her appointment, and throughout his or her term of office, the Commissioner shall be and remain duly licensed and entitled to practice medicine in the State of New York and shall have such other qualifications as may be required by law. He or she shall be appointed on the basis of his or

her professional experience and other qualifications for the responsibilities of his or her office. He or she shall be directly responsible to and, unless otherwise required by law, serve at the pleasure of the County Executive.

Section 7.02. Powers and Duties. The Commissioner of Behavioral & Community Health shall be the chief administrative officer of the department. Except as otherwise provided in this Charter he or she shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of health, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 7.03. Board of Health; Appointment; Powers and Duties. There shall be within the department a Board of Health whose members shall be appointed by the County Legislature in the manner and for the term provided in the Public Health Law. The Board of Health, subject to the provisions of the Public Health Law and the State Sanitary Code, shall have the power to formulate, adopt, promulgate, amend or repeal such rules and regulations as may affect public health within the County; to formulate, adopt, promulgate, amend or repeal a County Sanitary Code; to consider any matters that may come to its attention relating to the preservation and improvement of public health within the County, and advise the Commissioner thereon, either at his or her request or upon its own initiative, and from time to time to make recommendations to the Commissioner thereon.

Section 7.04. Deputy Commissioners and Staff. The Commissioner of Behavioral & Community Health shall have the power to appoint such Deputy Commissioners, assistants and employees of his or her department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy Commissioners of Behavioral & Community Health, except for the Deputy Commissioner of Behavioral & Community Health for Mental Hygiene, if any, shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law. All Deputy Commissioners, assistants and employees of the department shall be directly responsible to, and serve at the pleasure of the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 7.05. Acting Commissioner. The Commissioner of Behavioral & Community Health, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Behavioral & Community Health in the event of his or her absence from the County or inability to perform and exercise the powers and duties of his or her office. In the absence of a Deputy Commissioner who is duly licensed and entitled to practice medicine in the State of New York, the Acting Commissioner shall be the Medical Examiner. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Behavioral & Community Health shall have all the powers and perform all the duties of the Commissioner.

Section 7.06. Director of Weights and Measures III. Within the Department of Behavioral & Community Health, there shall be a Director of Weights and Measures III who shall have the powers and duties of a county director of weights and measures as described in Article 16 of the New York State Agriculture and Markets Law. The Director shall also perform

such other and related duties as required by the Commissioner of Behavioral & Community Health provided such additional powers and duties deal primarily with services designed to aid and protect the consumer and are not inconsistent with the provisions of Article 16 of the New York State Agricultural and Markets Law.

Section 7.07. Veterans Services. The Director of Veterans Services shall:

1. Inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this county, and their families, in relation to:

- a. matters pertaining to educational training and retraining services and facilities,
- b. health, medical and rehabilitation services and facilities,
- c. provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families,
- d. employment and re-employment services,
- e. other matters of similar, related or appropriate nature,
- f. assist families of members of the reserve components of the armed forces and organized militia ordered into active duty to ensure that they are made aware of and receiving all appropriate support available to them and are placed in contact with the agencies responsible for such support, including but not limited to, the division of military and naval affairs and other state agencies responsible for providing such support,
- g. perform such other duties as may be assigned by the state director of veterans' affairs and,
- h. such other services as may from time to time be allowed or deleted by state statute, rule or regulation.

2. The Director of Veterans Services shall also hold the title of the County Director of Veterans' Service Agency as set forth in Article 17 of the New York State Executive Law and he/she shall be a veteran.

3. The Commissioner of Behavioral & Community Health in consultation with the Director of Veterans Services may from time to time add or delete such programs as allowed by statute, rule or regulation.

Section 7.08. Division of Mental Hygiene; Director of Community Services; Appointment; Qualifications; Term. There shall be a Division of Mental Hygiene under the direction of such qualified personnel as the Commissioner may appoint. There shall be within the division a designated Director of Community Services who shall be appointed by the Commissioner of Behavioral & Community Health. At the time of his or her appointment, and throughout his or her term of office, he or she shall possess the qualifications prescribed by the Mental Hygiene Law and the New York State Commissioner of Mental Hygiene, and he or she shall be appointed on the basis of his or her professional experience and other qualifications for the responsibilities of his or her office. He or she shall be directly responsible to, and serve at the pleasure of, the Commissioner of Behavioral & Community Health.

Section 7.09. Powers and Duties. Except as may otherwise be provided in this Charter, he or she shall have all the powers and perform all the duties conferred or imposed by law upon a county director of community services.

Section 7.10. Mental Hygiene Board; Powers and Duties; Vacancies. There shall be within the Department of Behavioral & Community Health a Mental Hygiene Board which shall be advisory to the Division of Mental Hygiene. Its composition, duties and responsibilities shall be as set forth in the Dutchess County Administrative Code and Mental Hygiene Law.

Section 7.11. Acting Director of Community Services. The Commissioner of Behavioral & Community Health, subject to the approval of the County Executive, shall designate in writing, and in order of succession, the qualified employees who shall be Acting Director of Community Services in the event of the Director of Community Services' absence from the County or inability to perform and exercise the powers and duties of his or her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner of Behavioral & Community Health filing a new written designation and order of succession. The Acting Director of Community Services shall have all the powers and perform all of the duties of the Director of Community Services.

DUTCHESS COUNTY ADMINISTRATIVE CODE

SECTION 5. Article VII of the Dutchess County Administrative Code shall be amended to add new Sections and shall provide as follows:

Section 7.01. Board of Health; Sanitary Code; Procedure for Adoption.

(a) The affirmative vote of a majority of the total membership of the Board of Health shall be required to pass any rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code. On the final passage, the question shall be taken by ayes and noes, and the names of the members present and their vote shall be entered in the minutes of proceedings.

(b) Every rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code shall be mailed or delivered in final form to each member at least 10 calendar days, exclusive of Sunday, prior to its final passage, unless the County Executive certifies as to the necessity for its immediate passage, and, in such event, such rule, regulation, order or direction may be passed by the affirmative vote of two-thirds of the total membership of the Board of Health.

(c) The Board of Health shall hold a public hearing on every rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code prior to its final passage. Such public hearing shall be on at least five days' notice, published in the official daily newspapers in the County of Dutchess.

(d) The Board of Health shall cause to be published annually a supplement to the County Sanitary Code which shall indicate all additions to, repeals, and amendments of any section of said Code.

(e) The Commissioner of Behavioral & Community Health shall cause to be furnished certified copies of the County Sanitary Code and its amendments for such fee as may be authorized by law.

Section 7.02. County Sanitary Code; Violations and Penalties.

The provisions of the County Sanitary Code shall have the force and effect of law. Any violation or non-conformance with any provision of such County Sanitary Code or of any rule, regulation, order or direction made thereunder shall constitute a misdemeanor punishable by a fine of not more than fifty dollars or by imprisonment for not more than six months or by both such fine and imprisonment. Certified copies of the County Sanitary Code shall be received in evidence in all courts and proceedings in the State.

Section 7.03. Board of Health; Powers and Duties.

The Board of Health shall, in consultation with the Commissioner, prepare recommendations for meeting the public health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his or her evaluation and referral within sixty (60) days to the County Legislature and the State Commissioner of Health. The Board of Health shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

Section 7.04. Health Services, Intergovernmental Cooperation.

The County Executive, upon recommendation of the Commissioner and the Board of Health, shall have the power to enter into contracts to obtain or render health services, pursuant to Section 33.02 of the Charter.

Section 7.05. Mental Hygiene Advisory Board; Appointment; Officers; Meetings.

There shall be in the Department of Behavioral & Community Health a Mental Hygiene Advisory Board whose members shall be appointed by the County Legislature in the manner and for the term provided in the Mental Hygiene Law for Community Mental Health Boards. Each member of the Community Mental Health Board shall continue to hold office for the balance of his or her other respective term, at the conclusion of which the applicable appointive provisions of this Code shall become effective. The Mental Hygiene Advisory Board shall elect annually a Chairman, Vice-Chairman, and a Secretary from among its members. Meetings of the Mental Hygiene Advisory Board shall be held at least quarterly at the call of the Chairman of such Board or the Director of Community Services, on three (3) days' written notice, mailed to such board members. Vacancies in the membership of said Board, occurring otherwise than by expiration of term shall be filled by appointment by the County Legislature for the unexpired terms.

Section 7.06. Mental Hygiene Advisory Board; Powers and Duties.

The Mental Hygiene Advisory Board, shall in consultation with the Director of Community Services prepare recommendations for meeting the mental health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his or her evaluation and referral within sixty (60) days to the County Legislature and the State Commissioner of Mental Hygiene. The Mental Hygiene Advisory Board shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

SECTION 6. Effective Date.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation.

ARTICLE VII

DEPARTMENT OF HEALTH

Section

- 7.01 County Health District; Department of Health; Commissioner; Appointment; Qualifications; Term.
- 7.02 Powers and Duties.
- 7.03 Board of Health; Appointment; Powers and Duties.
- 7.04 Deputy Commissioners and Staff.
- 7.05 Acting Commissioner.
- 7.06 Director of Weights and Measures III ³²
- 7.07 Veterans Services ⁴⁴

Section 7.01. County Health District; Department of Health; Commissioner; Appointment; Qualifications; Term. The County of Dutchess shall be a health district. There shall be a Department of Health under the direction of a Commissioner of Health, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, the Commissioner shall be and remain duly licensed and entitled to practice medicine in the State of New York and shall have such other qualifications as may be required by law. He shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to and, unless otherwise required by law, serve at the pleasure of the County Executive.

Section 7.02. Powers and Duties. The Commissioner of Health shall be the chief administrative officer of the department. Except as otherwise provided in this Charter he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner of health or a county board of health, and shall perform such other and related duties required by the County Executive or County Legislature.

Section 7.03. Board of Health; Appointment; Powers and Duties. There shall be within the department a Board of Health whose members shall be appointed by the County Legislature in the manner and for the term provided in the Public Health Law. The Board of Health, subject to the provisions of the Public Health Law and the State Sanitary Code, shall have the power to formulate, adopt, promulgate, amend or repeal such rules and regulations as may affect public health within the County; to formulate, adopt, promulgate, amend or repeal a County Sanitary Code; to consider any matters that may come to its attention relating to the preservation and improvement of public health within the County, and advise the Commissioner thereon, either at his request or upon its own initiative, and from time to time to make recommendations to the Commissioner thereon.

Section 7.04. Deputy Commissioners and Staff. The Commissioner of Health shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy Commissioners of Health shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law. All Deputy Commissioners, assistants and employees of the department shall be directly responsible to, and serve at the pleasure of the Commissioner, except as otherwise provided by this Charter, the Administrative Code or applicable law.

Section 7.05. Acting Commissioner. The Commissioner of Health, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Health in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Health shall have all the powers and perform all the duties of the Commissioner.

Section 7.06. Director of Weights and Measures III. Within the Department of Health, there shall be a Director of Weights and Measures III who shall have the powers and duties of a county director of weights and measures as described in Article 16 of the New York State Agriculture and Markets Law. The Director shall also perform such other and related duties as required by the Commissioner of Health provided such additional powers and duties deal primarily with services designed to aid and protect the consumer and are not inconsistent with the provisions of Article 16 of the New York State Agricultural and Markets Law. ³²

Section 7.07. Veterans Services. The Director of Veterans Services shall:

1. Inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this county, and their families, in relation to:

- a. matters pertaining to educational training and retraining services and facilities,
- b. health, medical and rehabilitation services and facilities,
- c. provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families,
- d. employment and re-employment services,
- e. other matters of similar, related or appropriate nature,
- f. assist families of members of the reserve components of the armed forces and organized militia ordered into active duty to ensure that they are made aware of and receiving all appropriate support available to them and are placed in contact with the agencies responsible for such support, including but not limited to, the division of military and naval affairs and other state agencies responsible for providing such support,
- g. perform such other duties as may be assigned by the state director of veterans' affairs and,
- h. such other services as may from time to time be allowed or deleted by state statute, rule or regulation.

2. The Director of Veterans Services shall also hold the title of the County Director of Veterans' Service Agency as set forth in Article 17 of the New York State Executive Law and he/she shall be a veteran.

3. The Commissioner of Health in consultation with the Director of Veterans Services may from time to time add or delete such programs as allowed by statute, rule or regulation. ⁴⁴

32 Section 7.06. Director of Weights and Measures III. Added by Resolution No. 2010347. Local Law No. 2 of 2011.

44 Section 7.07. Veterans Services. Added by Resolution No. 2012323. Local Law #7 of 2012.

ARTICLE VII

DEPARTMENT OF HEALTH⁴⁵

Section

- 7.01. Board of Health; Sanitary Code; Procedure for Adoption.
- 7.02. County Sanitary Code; Violations and Penalties.
- 7.03. Board of Health; Powers and Duties.
- 7.04. Health Services; Intergovernmental Cooperation.

Section 7.01. Board of Health; Sanitary Code; Procedure for Adoption.

(a) The affirmative vote of a majority of the total membership of the Board of Health shall be required to pass any rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code. On the final passage, the question shall be taken by ayes and noes, and the names of the members present and their vote shall be entered in the minutes of proceedings.

(b) Every rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code shall be mailed or delivered in final form to each member at least 10 calendar days, exclusive of Sunday, prior to its final passage, unless the County Executive certifies as to the necessity for its immediate passage, and, in such event, such rule, regulation, order or direction may be passed by the affirmative vote of two-thirds of the total membership of the Board of Health.

(c) The Board of Health shall hold a public hearing on every rule, regulation, order or direction which constitutes an amendment or addition to the County Sanitary Code prior to its final passage. Such public hearing shall be on at least five days' notice, published in the official daily newspapers in the County of Dutchess.

(d) The Board of Health shall cause to be published annually a supplement to the County Sanitary Code which shall indicate all additions to, repeals, and amendments of any section of said Code.

(e) The Commissioner of Health shall cause to be furnished certified copies of the County Sanitary Code and its amendments for such fee as may be authorized by law.

Section 7.02. County Sanitary Code; Violations and Penalties.

The provisions of the County Sanitary Code shall have the force and effect of law. Any violation or non-conformance with any provision of such County Sanitary Code or of any rule, regulation, order or direction made thereunder shall constitute a misdemeanor punishable by a fine of not more than fifty dollars or by imprisonment for not more than six months or by both such fine and imprisonment. Certified copies of the County Sanitary Code shall be received in evidence in all courts and proceedings in the State.

Section 7.03. Board of Health; Powers and Duties.

The Board of Health shall, in consultation with the Commissioner, prepare recommendations for meeting the public health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his evaluation and referral within sixty (60) days to the County Legislature and the State Commissioner of Health. The Board of Health shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

Section 7.04. Health Services, Intergovernmental Cooperation.

The County Executive, upon recommendation of the Commissioner and the Board of Health, shall have the power to enter into contracts to obtain or render health services, pursuant to Section 33.02 of the Charter.

45 Article VI, Health, Department of renumbered VII by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

McKinney's Consolidated Laws of New York Annotated
Public Health Law (Refs & Annos)
Chapter 45. Of the Consolidated Laws (Refs & Annos)
Article 3. Local Health Organization
Title III. County and Part-County Health Districts (Refs & Annos)

McKinney's Public Health Law § 340

§ 340. County or part-county health districts; establishment

Currentness

1. (a) The board of supervisors of any county, with the approval of the commissioner shall have power to establish a county or part-county health district and in such event shall appoint a board of health for such county or part-county health district. No city or any part thereof shall be included as a part of any such health district unless the mayor and a majority of the common council of such city or the officials exercising similar powers shall have consented thereto and, in respect of cities having a population of fifty thousand or more, according to the last preceding federal or state census or enumeration, unless a majority of the supervisors representing that part of the county outside such city shall have consented thereto.

(b) Notwithstanding the provisions of this subdivision or any other general, special or local law to the contrary, and except as provided in the provisions of article thirteen-E of this chapter, a board of health of a county health district, if there be one, shall have sole jurisdiction to enforce the provisions of article thirteen-E of this chapter on a county-wide basis.

2. In a county containing one or more cities having a population of fifty thousand or more, according to the last preceding federal or state census or enumeration which are not to be included in a county or part-county health district, a majority of the supervisors representing that part of the county outside such city or cities may petition the board of supervisors to establish such part of the county as a part-county health district and, upon receiving such petition, the board of supervisors shall forthwith file a certified copy of such petition with the commissioner.

3. Whenever the provisions of this section shall have been proposed to be adopted in any county, and proceedings have been taken to establish a county or part-county health district within any such county, the board of supervisors shall notify the commissioner in writing of the proposed establishment of such county or part-county health district, and in such notice shall state the extent of the territory intended to be included within such district. The consent of the commissioner to the establishment of any such health district shall be evidenced by a certificate, setting forth the approval of the commissioner to the establishment of such health district. Such certificate shall be filed with the clerk of the board of supervisors.

Credits

(L.1953, c. 879. Amended L.1956, c. 281; L.1989, c. 244, § 3.)

McKinney's Public Health Law § 340, NY PUB HEALTH § 340

Current through L.2015, chapters 1 to 361.

ARTICLE IX

DEPARTMENT OF MENTAL HYGIENE

Section

- 9.01 Department of Mental Hygiene; Commissioner; Appointment; Qualifications; Term.
- 9.02 Powers and Duties.
- 9.03 Mental Hygiene Board; Powers and Duties; Vacancies.
- 9.04 Deputy Commissioners and Staff.
- 9.05 Acting Commissioner.

Section 9.01. Department of Mental Hygiene; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Mental Hygiene under the direction of a Commissioner of Mental Hygiene, who shall be appointed by the County Executive on either a full-time or part-time basis; subject to confirmation by the County Legislature. At the time of his appointment, and throughout his term of office, he shall possess the qualifications prescribed by the Mental Hygiene Law and the New York State Commissioner of Mental Hygiene, and he shall be appointed on the basis of his professional experience and other qualifications for the responsibilities of his office. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 9.02. Powers and Duties. The Commissioner of Mental Hygiene shall be the chief administrative officer of the department. Except as may otherwise be provided in this Charter, he shall have all the powers and perform all the duties conferred or imposed by law upon a county commissioner or board of mental health or hygiene, and shall perform such other related duties required by the County Executive and County Legislature.

Section 9.03. Mental Hygiene Board; Powers and Duties; Vacancies. There shall be within the department an advisory Mental Hygiene Board, whose members shall be appointed by the County Legislature in the manner and for the term provided for the appointment of community mental health boards in the Mental Hygiene Law. The Mental Hygiene Board, in consultation with the Commissioner, shall consider matters relating to the mental health needs of the County and shall advise the Commissioner thereon either at his request or upon its own initiative, and from time to time make recommendations to him thereupon. Vacancies in membership occurring other than by expiration of terms shall be filled by appointment of the County Legislature for the respective unexpired terms.

Section 9.04. Deputy Commissioners and Staff. The Commissioner of Mental Hygiene shall have the power to appoint such Deputy Commissioners, assistants and employees of his department as shall be authorized by the County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy Commissioners shall have such qualifications as may be required by law. Except as otherwise provided by this Charter, the Administrative Code or applicable law, all Deputy Commissioners, assistants and employees of the department shall be responsible to, and serve at the pleasure of, the Commissioner.

Section 9.05. Acting Commissioner. The Commissioner of Mental Hygiene, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners and assistants who shall be Acting Commissioner of Mental Hygiene in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Mental Hygiene shall have all the powers and perform all of the duties of the Commissioner.

ARTICLE IX

DEPARTMENT OF MENTAL HYGIENE⁵¹

Section

- 9.01. Department of Mental Hygiene; Commissioner; Appointment; Qualifications; Term.
- 9.02. Powers and Duties.
- 9.03. Mental Hygiene Advisory Board; Appointment; Officers; Meetings.
- 9.04. Mental Hygiene Advisory Board; Powers and Duties.
- 9.05. Deputies and Staff; Appointment.
- 9.06. Acting Commissioner of Mental Hygiene.

Section 9.01. Department of Mental Hygiene; Commissioner; Appointment; Qualifications; Term. There shall be a Department of Mental Hygiene under the direction of a Commissioner of Mental Hygiene, who shall be appointed by the County Executive on either a full-time or a part-time basis, subject to confirmation by the County Legislature. The Commissioner of Mental Hygiene shall meet the qualifications prescribed by the Mental Hygiene Law of the State of New York and the Commissioner of Mental Hygiene of the State of New York. He shall be directly responsible to, and serve at the pleasure of, the County Executive.

Section 9.02. Powers and Duties. The Commissioner of Mental Hygiene shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter granted or imposed by the County Charter, this Code, local law, ordinance, or resolution of the County Legislature, order or direction of the County Executive, not inconsistent with the County Charter or this Code, or any applicable provisions of any act of the legislature. Such powers and duties, obligations and liabilities shall include but not be limited to any power, duty, obligation or liability granted or imposed upon a Director of Community Mental Health and/or Community Mental Health Boards by the Mental Hygiene Law or any other applicable law.

Section 9.03. Mental Hygiene Advisory Board; Appointment; Officers; Meetings. There shall be in the Department a Mental Hygiene Advisory Board whose members shall be appointed by the County Legislature in the manner and for the term provided in the Mental Hygiene Law for Community Mental Health Boards. Each member of the Community Mental Health Board shall continue to hold office for the balance of his respective term, at the conclusion of which the applicable appointive provisions of this Code shall become effective. The Mental Hygiene Advisory Board shall elect annually a Chairman, Vice-Chairman, and a

Secretary from among its members. Meetings of the Mental Hygiene Advisory Board shall be held at least quarterly at the call of the Chairman of such Board or the Commissioner of Mental Hygiene, on three (3) days' written notice, mailed to such board members. Vacancies in the membership of said Board, occurring otherwise than by expiration of term shall be filled by appointment by the County Legislature for the unexpired terms.

Section 9.04. Mental Hygiene Advisory Board; Powers and Duties. The Mental Hygiene Advisory Board, shall in consultation with the Commissioner prepare recommendations for meeting the mental health needs of Dutchess County. Copies of the recommendations shall be transmitted to the County Executive for his evaluation and referral within sixty (60) days to the County Legislature and the State Commissioner of Mental Hygiene. The Mental Hygiene Advisory Board shall have and exercise such other powers and duties conferred upon such Board by the County Charter or this Code.

Section 9.05. Deputies and Staff; Appointment. The Commissioner shall have the power to recommend to the County Executive the appointment of such Deputy Commissioner of Mental Hygiene, assistants and employees of his Department as shall be authorized by the County Legislature. Such persons shall meet the qualifications fixed by the Mental Hygiene Law and the Commissioner of Mental Hygiene of the State of New York. All Deputy Commissioners of Mental Hygiene, assistants and employees of the Department shall be directly responsible to the Commissioner, except where otherwise provided by the County Charter, Code or by applicable law.

Section 9.06. Acting Commissioner of Mental Hygiene. The Commissioner, subject to approval by the County Executive, shall designate in writing, and in order of succession, the Deputy Commissioners of Mental Hygiene who shall be Acting Commissioner of

Mental Hygiene in the event of his absence from the County or inability to perform and exercise the powers and duties of his office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Commissioner filing a new written designation and order of succession. The Acting Commissioner of Mental Hygiene shall have all the powers and perform all the duties of the Commissioner.

51 Article XII, Mental Hygiene, Department of renumbered IX by Resolution No. 195 of 1997. Local Law No. 6 of 1997.

McKinney's Consolidated Laws of New York Annotated
Public Health Law (Refs & Annos)
Chapter 45. Of the Consolidated Laws (Refs & Annos)
Article 2. The Department of Health
Title II. The Public Health Council

McKinney's Public Health Law § 228

§ 228. Sanitary code; application

Effective: December 1, 2010

Currentness

1. The provisions of the sanitary code, unless otherwise stated by the public health and health planning council, shall apply to and be effective in all portions of the state and shall supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.

2. Each county, city, town or village, in the manner hereinafter prescribed, may enact sanitary regulations not inconsistent with the sanitary code established by the public health and health planning council.

3. Local laws, ordinances or regulations which comply with at least the minimum applicable standards set forth in the sanitary code shall be deemed not inconsistent with such code.

Credits

(L.1953, c. 879. Amended L.1971, c. 626, § 2; L.2010, c. 58, pt. A, § 53, eff. Dec. 1, 2010.)

McKinney's Public Health Law § 228, NY PUB HEALTH § 228

Current through L.2015, chapters 1 to 361.

End of Document

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McKinney's Consolidated Laws of New York Annotated
Agriculture and Markets Law (Refs & Annos)
Chapter 69. Of the Consolidated Laws
Article 16. Weights and Measures (Refs & Annos)

McKinney's Agriculture and Markets Law § 180

§ 180. Municipal directors of weights and measures

Effective: June 22, 2010

Currentness

1. There shall be a county director of weights and measures in each county, except where (a) a county is wholly embraced within a city there shall be a city director of weights and measures, or (b) where two or more counties have entered into an intermunicipal agreement, pursuant to article five-G of the general municipal law, to share the functions, powers, and duties of one director of weights and measures. Any county or city having a population of one million or more may elect to designate its commissioner of consumer affairs as its director of weights and measures. Subdivision four of this section shall not apply to a commissioner of consumer affairs so designated.

2. No city may institute a weights and measures program. Provided, that any city which maintained a weights and measures program on January first, nineteen hundred seventy-six may continue such program under a city director of weights and measures.

a. Any such city may contract with the legislature of the county in which it is located for the county director of weights and measures to perform the duties of and have the same powers within such city as the city director. Such contract shall fix the amount to be paid annually by the city to the county for such services. During the period such contract is in force and effect, the office of city director of weights and measures shall be abolished.

b. The county director shall not have jurisdiction in any city which has a city director of weights and measures, except in the county of Westchester the county director shall have concurrent jurisdiction with city directors of weights and measures in such county.

3. Nothing contained herein shall prohibit the governing body of any county or city from assigning to its municipal director powers and duties in addition to the powers and duties prescribed by this article provided such additional powers and duties deal primarily with services designed to aid and protect the consumer and are not inconsistent with the provisions of this article.

4. The municipal director shall be appointed by the appropriate authority of the municipality in which he resides having the general power of appointment of officers and employees. Where two or more counties have entered into an intermunicipal agreement, pursuant to article five-G of the general municipal law, to share the functions, powers, and duties of one director of weights and measures, such municipal director may reside in any county that is a party to the intermunicipal agreement. He shall be paid a salary determined by the appropriate authority and shall be provided by such authority with the working standards of weights, measures and other equipment as required by rules and regulations promulgated in accordance with this article. The position of municipal director shall be in the competitive class of the civil service with respect to all persons appointed on or after the effective date of this act.

McKinney's Consolidated Laws of New York Annotated
Executive Law (Refs & Annos)
Chapter Eighteen. Of the Consolidated Laws
Article 17. Veterans' Affairs (Refs & Annos)

McKinney's Executive Law § 350

§ 350. Definitions

Effective: March 30, 2012

Currentness

When used in this article:

1. The term "division" means the division of veterans' affairs.
2. The term "state director" means the New York state director of veterans' affairs.
3. The term "veteran" means a person, male or female, resident of this state, who has served in the active military or naval service of the United States during a war in which the United States engaged and who has been released from such service otherwise than by dishonorable discharge, or who has been furloughed to the reserve.
4. The term "armed forces" means the military and naval forces of the United States.
5. The term "local director" means the director of a county or city veterans' service agency.
6. The term "county director" means a local director of a county veterans' service agency.
7. The term "city director" means a local director of a city veterans' service agency.
- 8, 9. *Repealed by L.2012, c. 60, pt. D, § 33, eff. March 30, 2012.*

Credits

(L.1951, c. 800. Amended L.2005, c. 434, § 2, eff. Oct. 8, 2005; L.2012, c. 60, pt. D, § 33, eff. March 30, 2012.)

McKinney's Executive Law § 350, NY EXEC § 350

Current through L.2015, chapters 1 to 361.

ARTICLE XXXIII

SERVICE RELATIONSHIPS

Section

- 33.01 Local Government Functions, Facilities and Powers
not Transferred, Altered or Impaired.
- 33.02 Contracts with Public Corporations and Authorities.

Section 33.01. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired. This Charter shall not transfer, alter or impair any function, facility, power or duty of any city, town, village, school district or other district, or of any officer thereof.

Section 33.02. Contracts with Public Corporations and Authorities. The County of Dutchess shall have the power to contract with any municipality or public authority, or combination thereof, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself.