

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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    Town    Village  
(Select one.)

of Livingston

Local Law No. 6 of the year 2012

A local law Establishing the Powers, Duties, Mode of Selection and Removal, and Term of Office of the  
(Insert Title)  
Livingston County Public Health Director

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

County    City    Town    Village  
(Select one.)

of Livingston as follows:

See next page.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

### **Section 1.**

The County of Livingston has the authority to adopt a local law setting forth the powers, duties, mode of selection and removal, and term of office of the Livingston County Public Health Director (hereinafter "Director") provided they are not inconsistent with the Constitution or any general law of the State of New York. By this local law, it is the intent of the Livingston County Board of Supervisors to supercede the provisions of the New York Public Health Law to the extent they are inconsistent with the provision of this local law.

### **Section 2.**

The Director shall be the head of the Livingston County Department of Health and, as such, shall be vested with authority, direction and control over said department, and shall have the power and authority to appoint and remove officers and employees therein subject to the New York State Civil Service Law and any other applicable statutes, rules or regulations. The Director shall perform such duties as are required by law and such other duties as are directed by the Livingston County Board of Supervisors and the Livingston County Administrator.

### **Section 3.**

The Livingston County Board of Supervisors shall have the power to appoint and remove the Director and shall set the Director's salary and allowable expenses and benefits. The Livingston County Board of Supervisors may dismiss the Director, prior to the expiration of the Director's term of office, upon cause, cause being insubordination, immoral character, inefficiency, incompetency, neglect of duty, or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by the New York State Civil Service Law, subject to the following conditions:

- a. The Board of Supervisors shall adopt a resolution stating their intention to remove the Director and the reasons therefore.
- b. A copy of the resolution shall be served upon the Director. The Director may, within ten (10) days, demand a hearing.
- c. If the Director demands a hearing, the Board of Supervisors shall appoint a committee to hold a hearing, in executive session, not less than ten (10) days nor more than twenty (20) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the Director. The Board of Supervisors may accept or reject the recommendation of the committee. The decision of the Board of Supervisors shall be final and binding, subject to the right of appeal in accordance with law.
- d. If the Director does not demand a hearing, the Board of Supervisors may dismiss the Director ten (10) days after service of a copy of the resolution upon the Director.
- e. Upon the passing of the resolution, the Board of Supervisors may suspend the Director from official duties without pay. If the charges against the Director are not sustained by the Board of Supervisors or are not sustained after any appeal from the decision of the Board of Supervisors, the Director shall be entitled to be paid for the period of suspension.

### **Section 4.**

This term of the office of the Director shall be six (6) years.

### **Section 5.**

This Local Law shall take effect upon its filing with the Secretary of State.

Dated at Geneseo, New York  
October 10, 2012 (Introduced)  
October 24, 2012

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2012 of the (County)(City)(Town)(Village) of Livingston was duly passed by the Board of Supervisors on October 24, 2012, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

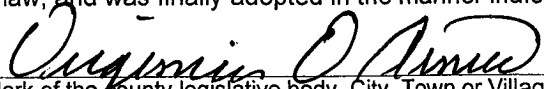
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10-24-12

(Seal)