

(Please Use this Form for Filing your 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.

RECEIVED ON THIS FORM
DEPARTMENT OF STATE

AUG 18 1989

[Signature]
SECRETARY OF STATE

County of ERIE
City of _____
Town of _____
Village of _____

Local Law No. 9 of the year 19 89

A LOCAL LAW amending Local Law No. 1-1959, as amended, repealing Section 1102(b) of Article XI, and enacting a new Section 1611; and amending Local Law No. 1-1960, as amended constituting the Erie County Administrative Code by repealing Section 11.02(b) of Article 11 and enacting a new Section 16.11, thereby repealing the responsibility of the Commissioner of the Department of Social Welfare for the Erie County Home and providing the powers and duties of the Commissioner thereof.

Be it enacted by the ERIE COUNTY LEGISLATURE of the
(Name of Legislative Body)

County of ERIE
City of _____ as follows:
Town of _____
Village of _____

Section 1. The Erie County Charter, being Local Law No. 1-1959, is hereby amended by repealing and deleting Section 1102(b) of Article XI thereof in its entirety.

Section 2: The Erie County Charter, being Local Law No. 1-1959, as amended, is hereby amended by enacting a new Section 1611 of Article XVI as follows:

Section 1611. Erie County Home Commissioner.

A. Legislative Intent. It is found, declared and determined that the Erie County Home and Infirmary was built and exists in all respects for the benefit of the people of Erie County and is a public purpose institution operated as a residential health care facility. The exercise by the county and the commissioner of the ascribed functions, powers and duties as hereinafter provided, constitutes the performance of an essential public governmental purpose.

B. Name Changed. The facility known as the Erie County Home and Infirmary shall hereafter be known and referred to as the "Erie County Home".

(If additional space is needed, please attach sheets of the same size as this and number each)

C. Department Established. There shall be a department entitled the Erie County Home to encompass the buildings, grounds and operations of the facility previously known as the Erie County Home and Infirmary located in the Town of Alden, the head of which shall be the commissioner of the Erie County Home, who shall be appointed by the County Executive, subject to confirmation by the Erie County Legislature, and who shall serve at the pleasure of the County Executive.

D. Qualifications of the Commissioner. The commissioner shall be appointed on the basis of his or her education, training and experience and shall possess the qualifications required for a nursing home administrator under State law and regulations.

E. Powers and Duties of the Commissioner. The commissioner shall have the following powers and duties notwithstanding any other provisions of the Charter and Administrative Code to the contrary:

1. Have all the powers and duties heretofore or hereafter lawfully conferred or imposed by the County Charter, by local law, by order or direction of the County Executive, by an applicable provision of the State public health law and regulations, or the provision of any applicable act of the Legislature not inconsistent with the County Charter.

2. Be the chief executive officer of the facility and shall have the general superintendence, management and control of said facility and the grounds, buildings, officers, employees and residents thereof, subject to the general control of the County Executive; and shall make and enforce compliance with such rules and regulations as may be necessary for carrying into effect the purposes of such facility:

3. Provide for the medical care, welfare, patient rights and safety of residents in the facility in compliance with State regulations and shall appoint and may at pleasure remove physicians and other licensed health practitioners from the staff of said facility, and shall appoint a deputy commissioner for financial administration, and all such other officers and employees proper and necessary for the efficient performance of the business of the facility, and to prescribe their duties, subject to budgetary appropriations and the provisions of the

Civil Service Law. Nothing contained in this subsection shall limit the right of the county to contract for professional health-related services at the facility.

4. Receive into the facility, according to rules established by the commissioner, any person in the county who is in need of the services of a residential health care facility, irrespective of the ability of such person to pay for care; and may also receive persons from without the county provided there is a vacancy, and provided that the reception of such person does not interfere with the proper care and treatment of persons received from the county.

5. In accordance with requirements as to advertising and competitive bidding, act as the purchasing agent for the facility upon designation as such by the County Executive for the purchasing of all necessary furniture, appliances, fixtures, equipment, supplies and other needed facilities for the care and treatment of the residents and for the use of officers and employees thereof. Such designation by the County Executive, if made, may be revoked or modified at any time and may include such limitations on said purchasing activity as the County Executive may deem appropriate from time to time in his sole discretion.

6. Make necessary repairs and maintain the equipment, buildings and grounds of the facility within the budgetary appropriations made for said purpose.

Section 3. Advisory Board. There shall be a Citizens Advisory Board to the Commissioner, comprised of seven persons, including a chairman, appointed by the County Executive and confirmed by the County Legislature. Such persons shall be appointed for four-year terms, and shall serve without compensation. The first appointees shall be appointed as follows: three members including the chairman for four years, two members for three years, and two members for two years. Thereafter, all member appointments shall be for four years. The Advisory Board shall give advice and suggestions to the commissioner of the Erie County Home regarding all operations at the Erie County Home.

Section 4. The Erie County Administrative Code, being Local Law No. 1-1960, as amended, is hereby amended by repealing and deleting Section 11.02(b) of Article 11 thereof in its entirety.

Section 5. The Erie County Administrative Code, being Local Law No. 1-1960, as amended, is hereby amended by enacting a new Section 16.11 of Article 16 thereof as follows:

Section 16.11. Erie County Home.

a. The department entitled, the Erie County Home shall be headed by a commissioner who shall be appointed by the County Executive and shall have and exercise the powers and duties conferred by the Erie County Charter.

Section 6. This local law shall become effective on January 1, 1990.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. _____ of 19____
County _____
City _____ of _____ was duly passed by the _____ (Name of Legislative Body)
Town _____
Village _____
on _____ 19____ in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 19 89
County _____
City _____ of _____ was duly passed by the _____ (Name of Legislative Body)
Town _____
Village _____
on JULY 20 19 89 ~~not disapproved~~ and was approved by the COUNTY EXECUTIVE
~~repassed after disapproval~~ Elective Chief Executive Officer*
and was deemed duly adopted on August 14 19 89 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 19____
County _____
City _____ of _____ was duly passed by the _____ (Name of Legislative Body)
Town _____
Village _____
on _____ 19____ not disapproved and was approved by the _____ Elective Chief Executive Officer*
~~repassed after disapproval~~
on _____ 19____ Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19____ in accordance with the applicable
annual provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____
County _____
City _____ of _____ was duly passed by the _____ (Name of Legislative Body)
Town _____
Village _____
on _____ 19____ not disapproved and was approved by the _____ Elective Chief Executive Officer*
~~repassed after disapproval~~
on _____ 19____ Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of _____ 19____
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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

0000 075


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

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19 ... of the City of ... having been submitted to referendum pursuant to the provisions of ^{§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 ... 19..... became operative.~~

~~(County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of State of New York, having been submitted to the Electors at the General Election of November 19..... 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 of 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 above.~~


Clerk of the County legislative body, ~~County Town and Village Clerks~~
~~Office designated by local legislative body.~~

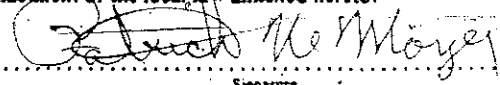
Date: AUGUST 15, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
COUNTY ATTORNEY
Title

Date: AUGUST 14, 1989

County
~~City~~ of ERIE
Town
Village