

County of Tioga

Local Law No. 1 of the Year 1997.

A Local Law Providing for the Establishment of the position of Commissioner of Health & Human Services for the County of Tioga.

Be It Enacted by the Legislature of the County of Tioga as follows:

*SECTION I: LEGISLATIVE INTENT*

It has become evident that increased direction, control and coordination of the various functions and programs of the County health and human services would provide a more efficient administration of the Departments of Social Services, Public Health, and Mental Hygiene. It is the purpose and intent of this local law to provide an administrative structure to provide uniformity and coordination in the day-to-day handling and management of the County's health and human services.

*SECTION II: APPOINTMENT, TERM OF OFFICE*

A. There shall be a Commissioner of Health and Human Services who shall be directly responsible to the County Legislature and on behalf of the County Legislature shall perform the function of a chief administrative officer over the Departments of Social Services, Public Health, and Mental Hygiene. The position of Commissioner of Health and Human Services shall be non-competitive for Civil Service purposes.

B. The Commissioner of Health and Human Services shall be appointed by the County Legislature. The term of office for the first Commissioner of Health and Human Services appointed pursuant to this local law shall commence on the date of appointment and shall expire on December 31, 1999. Subsequent appointment shall be for a term of five (5) years following the appointment. Removal of the Commissioner of Health and Human Services prior to the expiration of his term of office shall be in accordance with the provisions of the New York State Civil Service Law applicable to the position. Appointment to fill a vacancy in the office of Commissioner of Health and Human Services shall be for a new five year term.

**SECTION III:           QUALIFICATIONS**

**A.     At the time of appointment, the Commissioner of Health and Human Services shall have the following training and/or experience:**

**1.     Graduation from an accredited College or University with a Bachelor's Degree;**

**and**

**2.     Five (5) years of experience in a health, education, or social service agency, three (3) years of which must have been in an administrative or supervisory position;**

**or**

**3.     Five (5) years of experience in an administrative or management position where there is responsibility for planning, directing, and coordinating the work of a substantial staff working in several units or performing several separate functions.**

**B.     The appointee need not be a resident of Tioga County at the time of appointment, but shall become so within ninety (90) days of appointment and remain so during the term of office. Failure to become such a resident or to remain such a resident shall be cause for dismissal by the County Legislature without other or further notice.**

**SECTION IV:            SALARY**

**The Commissioner of Health and Human Services shall receive an annual salary to be fixed by the County Legislature.**

**SECTION V:            POWERS AND DUTIES**

**The Commissioner of Health and Human Services shall be responsible for the overall administration, including personnel, fiscal, and programs of the Departments of Social Services, Public Health, and Mental Hygiene. The Commissioner of Health and Human Services shall perform all the duties now and hereafter conferred or imposed upon the office by law and directed by the County Legislature and shall have all the powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are the following:**

1. To supervise and direct the Commissioners of Social Services, and Mental Hygiene and the Director of Public Health in the operations of their departments.
2. To report directly to the Tioga County Legislature on behalf of the Departments of Social Services, Public Health, and Mental Hygiene.
3. To review, direct, and coordinate the Commissioner of Mental Hygiene as to the operations of the Mental Hygiene Department before and after his meetings with the Local Government Unit as may be required by the Commissioner of Health and Human Services.
4. To review, direct, and coordinate the Director of Public Health as to the operations of the Public Health Department before and after his meetings with the Local Board of Health as may be required by the Commissioner of Health and Human Services.
5. To ensure the delivery of and administration of public assistance and health care (physical and mental) as defined by Federal and State Laws.
6. To review, direct, coordinate and administer the personnel, fiscal and programs of the Departments of Social Services, Public Health and Mental Hygiene through consultation, as needed, with the Department Commissioner/Director.
7. To make recommendations to the Tioga County Legislature for appointments to the Local Government Unit and the Board of Health.
8. To have such other powers and shall perform such other duties as may now or hereafter be conferred or imposed by the County Legislature.

**SECTION VI: SEVERABILITY OF PROVISIONS**

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order have been rendered.

**SECTION VII: CONFLICT WITH PREVIOUS LOCAL LAWS AND RESOLUTIONS**

**In the event of a conflict or inconsistency between this local law and any previous local law or resolution of the County Legislature, this local law shall govern.**

**SECTION VIII: EFFECTIVE DATE**

**This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been duly filed as provided by the Municipal Home Rule Law.**

(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. 1 of 1997 of the (County) of Tioga was duly passed by the Tioga County Legislature on May 12, 1997, in accordance with the applicable provisions of law.

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 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on and was deemed duly adopted on , 19 , 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 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . 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 , 19 , 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

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 19 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 , 19 , become operative.

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\*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 the power to approve or veto local laws or ordinances.

6. (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 1, above.

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

(Seal)

Date:

(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 Tioga

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

Title

County of Tioga

City

Town

Village

Date: