

LOCAL LAW NO. 9 - 1982

A LOCAL LAW amending Local Law No. 1 - 1959, constituting the Erie County Charter, as amended, by amending Article XVI, Section 1602 thereof; and by amending Local Law No. 1 - 1960, constituting the Erie County Administrative Code, as amended by amending Article 16, Section 16.02 thereof; both in relation to the creation of an Administrative Board to govern the Erie County Medical Center.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

Section 1. Local Law No. 1 - 1959, constituting the Erie County Charter, as amended, Article XVI, Section 1602 thereof, is hereby amended to read as follows:

Section 1602. Erie County Medical Center; superintendent; advisory or administrative board. The county executive upon such terms and conditions as initiated by him and approved by the county legislature shall be enabled to establish an administrative board with the authority to govern the Erie County Medical Center. This administrative board shall be composed of not less than twelve (12) nor more than thirty (30) members, the county and state shall mutually agree on the total number of members. One-half (1/2) of the members of this board shall be appointed by the State of New York. Of the remaining one-half (1/2) of the members of this board one (1) shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes

a majority of the legislature, one (1) shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a minority of the legislature, and the remaining members to be appointed shall be appointed by the county executive, subject to confirmation by the county legislature. Members of this administrative board shall be appointed and may be reappointed for terms of three (3) years, except that of those first appointed one-third (1/3) shall be appointed for a term of one (1) year; one-third (1/3) for two (2) years and one-third (1/3) for three (3) years. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term.

Unless the administrative board is established, there shall be a county hospital superintendent, who shall be appointed by the county executive on the basis of his training and experience in hospital administration. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

Except as otherwise provided in this charter or code, the superintendent shall have charge and supervision of all county hospitals and shall exercise

all powers and duties of a hospital board of managers. He shall perform such additional and related duties as the county executive may prescribe.

Unless the administrative board is established, there shall be a hospital advisory board of seven members appointed by the county executive for five-year staggered terms. At least two members of such board shall be physicians licensed to practice in the state of New York. Such board shall at the request of the superintendent, and may on its own initiative, advise on matters relating to county hospital operation and improvement.

Section 2. Local Law No. 1 - 1960, constituting the Erie County Administrative Code, as amended, Article 16, Section 16.02 thereof, is hereby amended to read as follows:

Section 16.02. Erie County Medical Center; superintendent; advisory or administrative board. The superintendent shall have and exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by this code, by local law, by order or direction of the county executive, and by any applicable act of the legislature not inconsistent with the county charter or this code. Such powers and duties shall include but shall not be

limited to any power or duty conferred or imposed upon a hospital board of managers and a hospital superintendent by the General Municipal Law or other applicable law, except for the following powers and duties which shall be exercised by the administrative board once it has been established:

a. the board shall adopt by-laws which set out responsibilities for the day-to-day operations of the medical center. The provisions of such by-laws shall be consistent with the charter, code and any applicable act of the legislature not inconsistent with the county charter or code.

b. The board shall have the authority to appoint the hospital superintendent and medical director of the hospital whose qualifications, responsibilities, authority and accountability shall be defined in the by-laws of the administrative board. The hospital superintendent and medical director shall each have a three (3) year term of office.

c. The board may appoint at its sole discretion the superintendent and the medical director of the hospital for successive three (3) year terms.

d. The board shall make all appointments and re-appointments to the Medical-Dental staff at the medical center.

e. The Medical-Dental staff by-laws, rules and

regulations shall be subject to board approval.

f. The Medical-Dental staff by-laws, rules and regulations shall, to the satisfaction of the board, assure the achievement and maintenance of high standards of medical practice and patient care.

g. The board shall review and recommend revisions, as necessary or advisable, to the affiliation agreement between the medical center and the State University.

h. The board shall present in writing its recommendations to the above mentioned affiliation agreement to the county executive. Upon the review and approval of both the county executive and the county legislature, the county shall take all steps it can to implement such recommendations.

i. The board shall review and approve the medical center budget before submission to the county executive. Once the budget has been approved, pursuant to the provisions of the charter and the code, the board shall have authority to transfer funds and to create temporary positions as necessary or desirable.

j. The board shall elect by a majority vote a chairman, a vice-chairman, and a secretary at the first meeting of each year. Successive terms may be conferred by the board.

k. The board shall meet at least once per month

and at such other times as determined by the chairman or by a majority of the board.

Unless the administrative board is established, the county executive shall appoint a hospital advisory board of seven (7) members at least two of whom shall be physicians licensed to practice in the state of New York. Such board shall have and exercise the powers and duties conferred or imposed on it by the county charter or this code. The hospital advisory board shall annually elect a chairman, vice-chairman and a secretary from among its members. Meetings of the hospital advisory board shall be held at the call of the county hospital superintendent or the chairman of such board on three (3) days' written notice mailed to the last known address of such board members. Members of the hospital advisory board shall be appointed for a term of five years, except that of those first appointed two shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, two for a term expiring December thirty-first, nineteen hundred sixty-two, one for a term expiring December thirty-first, nineteen hundred sixty-three, one for a term expiring December thirty-first, nineteen hundred sixty-four and one for a term expiring December thirty-first, nineteen hundred and sixty-five.

The county executive shall appoint a county hospital superintendent who shall possess the qualifications required by section sixteen hundred two of article XVI of the county charter. The county executive may, prior to the making of the appointment of the county hospital superintendent, request the hospital advisory board to make, and such board on its own initiative may make, recommendations relative to the qualifications and appointment of the county hospital superintendent. Without being limited in his appointive power, the county executive shall give particular consideration to the applicants' experience in medicine and medical education and in the field of administration of a medical teaching center.

Section 3. This local law shall take effect immediately upon filing with the secretary of State after approval by the electorate at the general election to be held in the County of Erie on November 2, 1982.