

LOCAL LAW NO. FOR 2024

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS AMENDED TO PROVIDE FOR AN OFFICE OF MEDICAL EXAMINER

Introduced: 9/9/24

By Cunningham, Willingham:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW, COUNTY LAW SECTION 400 AND SECTION 2702 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the Legislature of the County of Albany as follows:

SECTION I. Legislative Intent:

In 2012, a Charter Review Commission was formed by this Honorable Body to determine what, if any, changes could be made to the then decade's old charter. The Commission met routinely over the course of a year and published recommended changes to the Charter, many of which sought to streamline processes or modernize the County's operations. To date, many of the proposed changes have been adopted, but a various substantive changes have evaded adoption. One major proposal by the Charter Review Commission was to replace the County's four, part-time Coroners with a single full-time Medical Examiner. This change would modernize death investigations in the County, a change that many other counties have adopted over the years.

SECTION II

Article 19 of the Albany County Charter is hereby repealed entirely.

Article 9: Department of Health is hereby amended by adding the following subsections:

Section 905: Office of Medical Examiner; Appointment; Qualifications

- (a) There shall be an Office of Medical Examiner, a division of the Albany County Department of Health. The Office shall be headed by a Chief Medical Examiner who shall be appointed by the County Executive for a six-year term, subject to confirmation by the County Legislature. At the time of their appointment, and throughout their appointment, the Medical Examiner shall be and remain duly licensed and entitled to practice medicine in the State of New York and shall have an expertise in forensic pathology and such other qualifications for the responsibilities of the Office as determined by the Commissioner of Health. Notwithstanding the provisions of Public Officer's Law Section 38 and County Law Section 400, if the Office of Chief Medical Examiner becomes vacant other

than by expiration of term, the vacancy shall be filled by appointment by the County Executive for a five-year term, subject to confirmation by the County Legislature.

- (b) The Chief Medical Examiner, within the appropriations made therefor, shall appoint a Chief Deputy Medical Examiner, who shall also be a physician licensed to practice medicine in the State of New York. In addition to such other duties as may be assigned by the Chief Medical Examiner, the Chief Deputy Medical Examiner shall possess the powers and perform the duties of the Medical Examiner during his absence or inability to act.
- (c) The Chief Medical Examiner, within the appropriations made therefor, may, in conformity with the rules and regulations applicable to the civil service, appoint such forensic investigators and deputy medical examiners as may be authorized by the County Legislature. Forensic investigators and deputy medical examiners shall assist the Chief Medical Examiner in the conduct of investigations and the discharge of his other duties and responsibilities; shall conduct tests and examinations and furnish forensic, medical, investigative and technical services; and shall possess such qualifications and perform such other duties as may be determined by the Chief Medical Examiner.

SECTION III. SEQRA Compliance

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required

SECTION IV. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State if it is approved by a affirmative vote of the qualified electors of the County of Albany voting upon a proposition for its approval at the next general election in conformity with the provisions of Section 34 of the New York Municipal Home Rule Law and Section 2702 of the Albany County Charter.