

**A RESOLUTION SUBMITTED BY LEGISLATORS:
LORIGO, GREENE, TODARO & MILLS**

RE: Request for the Revocation of the Covid19 Emergency Orders and Associated Powers in Erie County in accordance with N.Y.S. Executive Law 24, Section 8

WHEREAS, On March 7, 2020 New York State Governor Andrew M. Cuomo declared a state of emergency to manage the state's response to the Covid19 pandemic, and

WHEREAS, On March 5, 2021 The New York State Legislature revoked most of the emergency powers granted to the Governor under the declared state of emergency, and

WHEREAS, the remaining powers granted to the Governor expired at the end of June 2021 and were not renewed by the Governor, and

WHEREAS, On March 15, 2020 Erie County Executive Mark C. Poloncarz declared a county-wide state of emergency to manage the County's response to the Covid19 pandemic, and

WHEREAS, the County Executive utilized authority granted to him under New York State Executive Law Section 24-1 to initially declare the state of emergency and promulgate rules associated with it, and

WHEREAS, New York State Executive Law Section 24-1 permits the County Executive to continue the emergency declaration and its associated powers every 30 days and the power to promulgate local emergency orders to "protect life and property or to bring the emergency situation under control," which need to be renewed every 5 days, and he has extended both perpetually since his original declaration, and

WHEREAS, New York State Executive Law Section 24-8 contains powers, similar to those used by the New York State Legislature to revoke the Governor's emergency declaration and associated authority, to terminate the emergency orders in a County at any time by concurrent resolution, and

Now, therefore, be it

RESOLVED, that this honorable body believes that the power to declare a state of emergency granted in New York State Executive Law Section 24-1 that suspends existing law and transfers significant power away from the Legislative Branch of Government to the Chief Executive of a county was intended to be utilized as a temporary measure to manage a temporary situation and our response to Covid19 is no longer a temporary emergency, but rather a reality of life we must now deal with rendering the emergency declaration and its associated powers no longer necessary or appropriate, and be it further

RESOLVED, that this honorable body recognizes that the authority to terminate the emergency orders declared by County Executive Mark C. Poloncarz under New York State Executive Law Section 24-1 is held by the New York State Senate and Assembly as outlined in New York State Executive Law Section 24-8, which reads "*the legislature may terminate by concurrent resolution, such emergency orders at any time,*" and be it further

RESOLVED, that this honorable body being duly elected by the people of Erie County to serve as their local representatives hereby calls on the New York State Senate and Assembly to introduce and pass legislation, utilizing authority granted to their honorable bodies under New York State Executive Law Section 24-8, to terminate the implementation and extension of Local Emergency Orders related to Covid19 in Erie County, and be it further

RESOLVED, that certified copies of this resolution shall be provided to all members of the Western New York State Delegation of the Senate and Assembly that represent Erie County, the County Executive, the County Clerk, the County Comptroller, the County Sheriff, the County District Attorney, all Town Supervisors and City and Village Mayors within Erie County, and the Majority and Minority Leaders of each conference of the New York State Senate and Assembly.