

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a 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.

County
~~City~~ of Erie
~~Town~~
Village

Local Law No. 3 of the year 2003.

A local law authorizing Erie Community College to have the
(Insert Title)
authority and responsibility for the performance
of its own personnel, payroll and purchasing functions.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~ of Erie as follows:
~~Town~~
Village

Section 1. Declaration of Purpose. The Board of Trustees of Erie Community College, formerly known as the State University Institute of Applied Arts & Sciences at Buffalo and the Erie County Technical Institute (hereinafter the "College") and the Erie County Executive have requested that the County of Erie provide the College with greater autonomy with regard to Purchasing, Personnel and Payroll functions (collectively the "Functions"). The Board of Trustees and the County Executive believe that granting these Functions to the College will streamline the business affairs of the College, reduce costs, and help improve the College's educational services. Furthermore, it is believed that granting the College greater autonomy in connection with these Functions will help facilitate the College's unconditional re-accreditation by the Commission on Higher Education of the Middle States Association. Consequently, the Legislature hereby declares its support for granting the College greater autonomy with regard to these Functions.

Section 2. Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended as follows:

Article XVI is hereby amended by adding a new Section 1613 which shall read as follows:

Section 1613. Board of trustees of Erie community college, additional powers. The powers of the board of trustees of Erie community college, formerly known as the State University Institute of Applied Arts & Sciences at Buffalo and the Erie county technical institute (hereinafter "Board"), shall continue as provided by law, except that the following additional powers shall be conveyed to the Board:

A. 1. The Board shall have the authority to make all purchases and contracts, including leases of personal property, for all furniture, appliances, fixtures, equipment, materials and supplies necessary for the efficient operation of the college to the extent that appropriations have been provided therefor in

the college budget. The Board, or the president of the college acting with the authority of the Board, shall designate an individual to be its purchasing agent who shall supervise and manage the personnel responsible for the purchasing duties and perform the responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the Board. Except as otherwise provided by law, authority to enter into contracts for capital improvements and real property leases of college property shall continue to be vested in the county.

2. The procedures for purchasing, including public advertising and competitive bidding, shall be the same as those set forth in section three hundred-six of the charter and section 3.06 and 3.07 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that actions may be taken by the county legislature, the action of the Board shall be substituted as sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the purchasing agent of the college shall be substituted as sufficient.

3. The Board shall have the authority to approve all contracts for professional, technical and other consultant services to be rendered to or for the college, which are not required to be competitively bid pursuant to the General Municipal Law, provided that such services to be rendered to or for the college shall not exceed \$50,000, and provided further that the Board complies with the procedure for requests for proposals set forth in section 19.08 of the administrative code as this section now exists or hereafter may be amended, except that where section 19.08 specifies that action shall be taken by the county legislature, the action of the Board shall be substituted as sufficient, and where section 19.08 specifies that action shall be taken by the department head or administrative unit head, such action may be taken by the president of the college.

4. No services provided by employees of the college shall be contracted out without complying with appropriate existing collective bargaining agreements and following the procedures required by section two hundred nine of the civil service law of the state of New York, if applicable.

5. All contracts entered into pursuant to this subsection A shall not be valid and enforceable until approved as to form by the county attorney. With regard to contracts entered into pursuant to subdivision 1 of this subsection A, such contracts shall be approved by the purchasing agent of the college and the county attorney. With regard to contracts entered into pursuant to subdivision 3 of this subsection A, such contracts shall be approved by the Board and the

county attorney. The Board may designate the president of the college to execute, on behalf of the Board, contracts entered into pursuant to subdivision 3 of this subsection A.

6. No purchases shall be made pursuant to this subsection A unless sufficient funds exist therefore from budgetary appropriations or other funding sources, or except as otherwise permitted by law. However, the Board shall not be prevented from entering into any lawful contract or lease of personal property providing for the payment of funds beyond the end of the college's fiscal year.

B. 1. Subject to the civil service law and rules and to all provisions of applicable collective bargaining agreements, the Board shall have the power, through its existing budgetary process, to create and abolish full-time and part-time permanent or temporary positions of employment. The Board, or the president of the college acting with the authority of the Board, will designate a personnel agent who shall act in place of the Erie county commissioner of personnel and have the same powers and duties of the commissioner of personnel as set forth in the Erie county charter and administrative code, with regard to employment and personnel matters within the college. The president or the college's personnel agent, acting with the authority of the Board, may execute all necessary documents relating to the appointment of employees and the payroll of the college. Subject to the requirements of Civil Service law and rules and provisions of existing collective bargaining agreements, the college personnel agent shall submit required documentation to the county commissioner of personnel. Assignment of job groups, to the extent required by law, shall be certified by the Erie county department of personnel. When the college is unable to fill a non-managerial/confidential position with a qualified person at the lowest salary level for the job group assigned to the position, the Board may fill such position at a higher salary increment within the assigned job group.

2. Except as otherwise permitted by law, no position of employment shall be created by the college unless sufficient funds exist therefore from budgetary appropriations or other funding sources. Subject to existing or future laws, regulations and collective bargaining agreements, positions may be created and abolished by the college during its fiscal year.

3. Notwithstanding any provision contained in this subsection B, the county and the college shall negotiate on behalf of the college, and the county attorney shall approve as to form, all collective bargaining agreements and other contracts with civil service unions to which the college is a signatory. With respect to collective bargaining agreements and other contracts with civil service unions to which the college is not a signatory, but involve employees at

the college, the college shall be permitted to participate in negotiations as part of a negotiating team.

C. All provisions of this charter and the administrative code relating to Erie community college, which have not otherwise been amended by this section or other local laws, shall continue in full force and effect.

Section 3. The annual county contribution to the operating budget of the college, to the extent not previously advanced, shall be paid to the college in one lump sum no later than the fifteenth (15th) day of April in each calendar year. Should the county approve a budgetary increase for the college on or after the fifteenth (15th) day of April for the fiscal year commencing on the first (1st) day of September of the preceding calendar year, the additional contribution shall be paid to the college no later than fifteen (15) days after such approval.

Section 4. Nothing contained in this local law shall prohibit the county, at the request of the college, from contracting with the college to perform one or more Functions, or portions thereof, on behalf of the college.

Section 5. This local law may be amended at any time by a local law that is subsequently enacted by the Erie county legislature.

Section 6. This local law shall be effective upon its filing with the Secretary of State pursuant to Section 27 of the New York Municipal Home Rule Law.

ELISE M. CUSACK

CHARLES M. SWANICK

DALE W. LARSON

STEVEN P. McCARVILLE

BARRY A. WEINSTEIN

MICHAEL H. RANZENHOFER

JEANNE Z. CHASE

GREGORY P. FALKNER

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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. 3 of 2003 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on March 6, 2003, and was (approved)(not approved)(repassed after ~~disapproval~~) by the County Executive and was deemed duly adopted on March 24, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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 chairperson 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.

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

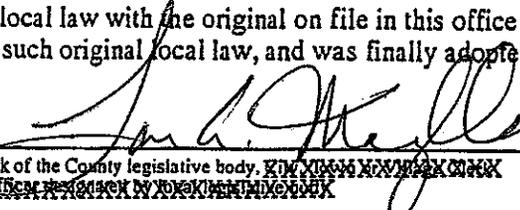
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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. ~~FILE XXXX XXX XXXX XXXX~~
~~XXXX XXXX XXXX XXXX XXXX~~

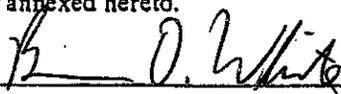
(Seal)

Date: March 25, 2003

(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

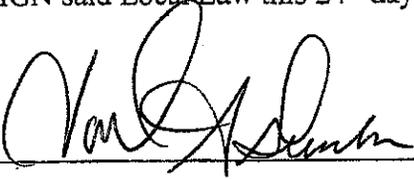
I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature Brian D. White
Assistant County Attorney
Title _____

County
~~XXX~~ of Erie
~~XXXX~~
~~XXXX~~

Date: 3/25/03

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 24th day of March, 2003.



A Public Hearing was held on the foregoing Local Law Intro. No. 5-2003 on Monday, March 24, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 24th day of March, 2003.
