

**Erie County Administrative Code**  
**ARTICLE 1 SHORT TITLE; EFFECT; DEFINITIONS**

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Section 1.01 Title and purpose.

This code and all amendments hereto shall be known and cited as "Erie county administrative code." The purpose of this code is to set forth the details of administration of the Erie county government in harmony with the provisions of the Erie county charter.

Section 1.02 Effect on state laws. Within the limits prescribed by article six-a of the county law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this code, such law shall be deemed to the extent of such inconsistency to be superseded by this code. The county of Erie shall continue to have all powers, duties, rights, privileges and obligations conferred or imposed upon such county by any provision of any state law, general, special or local in effect, not inconsistent with the county charter or this code.

Section 1.03 Effect on local laws and resolutions. Except to the extent they are inconsistent with the county charter or this code or are specifically superseded, amended or repealed thereby, all local laws and resolutions heretofore adopted by the county legislature shall continue in full force and effect until amended, superseded or repealed.

Section 1.04 Definitions. Wherever used in this code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- a. "County" shall mean the county of Erie.
- b. "Charter" and "county charter" shall mean the Erie county charter and all amendments thereto.
- c. "Code" shall mean the Erie county administrative code and all amendments thereto.
- d. "County legislature" shall mean the elective legislative body of the county of Erie.
- e. "Administrative unit" shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section, or other subordinate part of any of the foregoing.
- f. "Administrative head" shall mean the head of any administrative unit.
- g. "Authorized agency" shall mean any agency authorized by law, including but not limited to those authorized by section two hundred twenty-four of the county law, to receive and expend county funds for a county purpose.
- h. "Executive division" shall mean the division of the budget and the division of purchase and central services.
- i. "Capital project" shall mean (1) any physical betterment, improvement or replacement or any appraisals, reports, studies, surveys, plans and specifications relative thereto, or (2) land or rights inland, or (3) any machinery, apparatus or equipment for any physical betterment or

improvement, or (4) furnishings in connection with any physical betterment or improvement when such betterment or improvement is first constructed or acquired, or (5) any combination of (1), (2), (3) and (4).

j. "Majority" shall mean a majority of the whole number of the members of a board or body. For the purpose of this definition the words "whole number" shall be construed to mean the total number which the board or body would have were there no vacancies and were none of the members disqualified from acting.

Section 1.05 County seal. a. The seal of the county of Erie shall be as follows: Within a circle with cord border, an octagonal band shall contain the words "Seal of Erie County" above, the words "State of New York" below, and fasces on the left and right.

The octagonal band shall frame a picture with curving shorelines, docks, boats, railway, elevators and industry. Diagonally across the picture there shall be a pennant with thirteen stars in upper left and five stripes extending to lower right. To the left of the pennant shall be depicted urban buildings and trees; to the right, a highway winding past rural settlements and farms to distant hills with the sun at the horizon.

b. The following design is hereby adopted as the official and standard design of county seal:



c. Such seal shall be used for all authorized and requisite purposes.

Section 1.06 County flag. The flag of the county of Erie shall be rectangular in shape, fifty-two units wide by sixty-six units long. On a dark blue field fringed with gold, the county seal with a diameter of twenty units shall appear in shades of blue, green, gold, orange, red, gray and white. Above the seal, in gold letters six units high, the words "County of Erie" shall appear in a curved line. Below the seal, in gold letters four units high, the words "State of New York" shall appear in a straight line. The distance between the seal and either line of lettering and between such lettering and the top or bottom edge of the flag respectively shall be five and one-half units measured vertically through the center of the seal and flag.

## **ARTICLE 2 LEGISLATIVE BRANCH**

Section	2.01	The county legislature.
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Section 2.01 The county legislature. The county legislature and all officers and employees thereof shall comprise the legislative branch of the county government.

Section 2.02 Powers and duties

a. The county legislature shall have and exercise all the powers and duties now or hereafter conferred or imposed upon it by the county charter, by this code, by local law, by the county law, or by any other applicable law, or by any applicable act of the legislature not inconsistent with the county charter or this code.

b. The rules and regulations for the conduct and procedure of the county legislature in effect at the time of the adoption of this code shall, to the extent that they are not inconsistent with the county charter or the code, remain in full force and effect until rescinded, altered, or amended.

c. Notwithstanding the provisions of any state law, or of any local law, act, resolution or salary plan heretofore adopted or enacted by the county legislature, such legislature shall have the power to fix or change the compensation of all officers and employees paid from county funds except members of the judiciary.

Section 2.03 Local laws; form and procedure. Except as otherwise provided in the county charter or this code, the form and procedure for the adoption of a local law, including referendum, mandatory or permissive, shall be as provided in the New York state municipal home rule law.

Amended by Local Law No. 9-1974.

Section 2.04 Adoption of local laws. When the county legislature shall have passed a local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the clerk of the county legislature shall transmit a duplicate certified copy of such local law or ordinance within five days after its passage, to the chairman of such advisory board and to any other person authorized to call a meeting of such advisory board. Such transmittal shall be deemed to be a referral of such local law or ordinance by the county executive to such advisory board for its consideration and recommendation pursuant to the provisions of section nineteen hundred one of article XIX of the county charter.

Section 2.05 Conference expenses. The chairman of the county legislature shall have the power to designate and authorize any member, officer or employee of the legislative branch to attend an official or unofficial convention, conference or school for the betterment of county government. Within the appropriation therefor and when so authorized all necessary and actual expenses including but not limited to a registration fee and mileage as fixed by said legislature shall be paid from county funds.

Section 2.06 Petty cash funds a. The county legislature, upon the recommendation of the county executive, may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amount as is deemed necessary. Any petty cash or imprest fund heretofore established by the county legislature shall be continued in existence as a petty cash fund for the administrative unit or subdivision thereof or officer for which it was established or the successor of such unit or officer created pursuant to the provisions of the county charter or this code. The county executive shall determine which administrative unit, subdivision or officer shall be considered to be the successor administrative unit, subdivision or officer for the purposes of this section. The county legislature, upon the recommendation of the county executive, may increase, decrease or abolish any petty cash fund established or continued pursuant to the provisions of this section. Any such petty cash fund shall otherwise continue in existence from year to year until abolished.

b. Expenditures from a petty cash fund may be made only for payment in advance of audit of

properly itemized and verified or certified bills for materials, supplies or services other than employment, furnished to the county for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services, provided that moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties, and further provided that moneys in any such fund established for the office of the sheriff, district attorney, or any county peace officer may also be used to advance travel funds to personnel of the sheriff's or district attorney's office or any county peace officer when required to travel outside the state of New York on official business. Upon audit of bills such petty cash fund shall be reimbursed from the appropriate budgetary item or items in any amount equal to the amount audited and allowed. The county comptroller immediately shall notify the commissioner of finance in writing of the disallowance of any such bills or any portion of any such bills, stating the amount in each case disallowed. Any of such bills or any portion of any such bills as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of petty cash fund from which payment on account thereof was made, and such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bills or any portion of any such bills, the amount of such disallowances shall be withheld by the commissioner of finance from such salary payment and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowances has been repaid to such petty cash fund.

Section 2.07 Seal a. The seal of the county legislature shall consist of two circles, one within the other, with the words "Seal of County Legislature-Erie County, New York," around the outer circumference of the inner circle and in the inner circle the words "County Organized 1821".

b. The following design is hereby adopted as the official and standard design of such seal.



c. Such seal shall be used for all authorized and requisite purposes.

### **ARTICLE 3 EXECUTIVE BRANCH**

Section	3.01	The county executive; compensation.
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	3.03	Removal of the county executive.
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- 3.08-A County development coordination board.
- 3.09 Administrative appointments and removal.
- 3.10 REPEALED.
- 3.11 Seal of county executive.

Section 3.01 The county executive; compensation. The compensation of the county executive shall be fixed by the county legislature.

Section 3.02 Powers, duties and obligations of county executive. a. The county executive shall have all the powers and duties and shall be subject to all the obligations and liabilities, heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature or by any applicable provisions of any act of the legislature not inconsistent with the county charter or this code.

b. The county executive shall have the power and authority to subpoena and compel the attendance and the production of books, records and papers of any administrative unit, officer or employee under his jurisdiction, for the purpose of ascertaining facts in connection with any study or investigation of the affairs, functions, accounts, methods, personnel, or agency of any such administrative unit, officer or employee, and in case any person fails or refuses to obey any subpoena or fails to appear, produce books, records or other evidence required by the subpoena to testify he shall be subject to the order of a court of record in contempt proceedings. The county executive may, within the appropriations provided therefor, employ all personnel necessary to conduct such hearing.

c. The county executive shall have power and authority to designate in writing, in connection with any study or investigation, any county officer who may administer oaths or affirmations, examine witnesses in any such hearing, receive evidence and preside at or conduct any such study or investigation and report the findings of such study or investigation to the county executive, together with any recommendations or suggestions which the designated county officer may consider to be required or advisable by the results of such study or investigation.

d. The county executive shall have power, within the appropriations provided therefor, to appoint without confirmation by the county legislature the heads of executive divisions and all officers and employees of his own office as provided in paragraph b of section three hundred two of article III of the county charter.

e. The county executive, to the extent to which organization of his office, or of any administrative unit, the head of which he has power to appoint, is not prescribed by law, may organize or supervise and direct the organization of any such administrative unit into such divisions, bureaus, sections of other subordinate part and make such assignments of powers and duties among them, and from time to time change or supervise and direct the changes in such organizations or assignments, as he may consider advisable.

f. On or before the first day of November in each year, after reviewing the proposed county tax equalization rates submitted to him by the commissioner of finance, and after obtaining such additional information or holding such hearings thereon as he may deem necessary or advisable, the county executive shall fix and determine the real property tax equalization rates among the

various tax districts of the county for county purposes and file the same, together with an abstract of evidence upon which the rates are based, with the clerk of the county legislature and the same shall be binding and conclusive on the county legislature. The documentary evidence used in determining the county equalization rates shall be preserved by the county executive and an abstract of the same published with the county equalization rates in the proceedings of the county legislature.

g. The county executive shall not be an officer, director or stockholder of any depository or depositories designated by him pursuant to paragraph g of section three hundred two of article III of the county charter.

h. In addition to or as part of the annual report to the county legislature required by paragraph i of section three hundred two of article III of the county charter the county executive shall, at least once a year, communicate to the county legislature a general statement of finances, government and affairs of the county. He shall present to the county legislature, from time to time, such information concerning the affairs of the county as he may deem necessary, or the board by resolution may request, and shall recommend such measures in connection therewith as he shall deem expedient.

i. The county executive shall have the power to designate and authorize any officer or employee paid from county funds, except members, officers and employees of the legislative branch, to attend an official or unofficial convention, conference or school for the betterment of county government. Within the appropriation therefor and when so authorized, all necessary and actual expenses, including but not limited to a registration fee and mileage as fixed by the county legislature shall be paid from county funds.

Section 3.03 Removal of the county executive. The county executive may be removed in the manner provided by section three hundred three of article III of the county charter.

Section 3.04 Acting county executive. The acts performed by the acting county executive pursuant to section three hundred four of article III of the county charter shall have the same effect as if performed by the county executive, and the acting county executive shall have and exercise all the powers of the county executive, except the power of removal as provided in paragraph a of section 3.09 of this code.

Section 3.05 Division of budget and management. The director of budget and management shall be the head of the division of budget and management and shall perform all duties in the preparation and submission of the proposed tentative budget and capital program set forth in article 18 of this code, and all duties prescribed in the charter relating to monitoring the productivity of the various administrative units of county government. The director of budget and management shall review the management, financial, performance and compliance audit issued by the comptroller and shall report to the county executive on these recommendations. The director of budget and management shall submit to the county executive monthly monitoring reports comparing projected revenues and expenditures with actual and accrued revenues and expenditures. He shall, in addition to his powers and duties set forth in the charter or this code, perform such other duties as the county executive may require. The director of budget and management shall have the power to compel the attendance of witnesses and the production of books, papers and records, to administer oaths and affirmations, and to hear proofs and take testimony necessary in the performance of such duties. A fifteen member advisory board whose members shall be appointed by the county executive shall advise the director of budget and management on all matters pertaining to the management and performance of county government. The members of this board shall not be officers or employees of the county of Erie.

All references contained in this code to the budget director shall be deemed to refer to the director of budget and management.

Amended by Local Law No. 4-1985.

Amended by Local Law No. 4-1979.

Section 3.06 Division of purchase. a. The purchasing director shall be the head of the division of purchase. Such division shall have a deputy director.

b. The purchasing director and the deputy purchasing director shall each give a surety bond to the county in a sum fixed by the county legislature, conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to the sufficiency of surety by the county executive and filed in the office of the county clerk.

c. The purchasing director shall (1) establish and maintain a central purchasing system; (2) establish and enforce standard specifications with respect to supplies, materials, equipment and such services as are specified hereinafter; (3) upon departmental or legislative request, the purchasing division shall inspect or supervise the inspection of deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to specifications; (4) maintain and have charge of such storerooms and warehouses of the county as may be provided by the county legislature; (5) disburse and transfer the supplies, materials and equipment in his custody among the administrative units upon requisitions signed by the respective administrative head or by such employees as the administrative head shall designate; (6) make transfers of supplies, materials and equipment between administrative units; (7) sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by act of the county legislature; (8) prepare annually an inventory of all property, real or personal, in his custody, and submit the same to the comptroller, finance commissioner and budget director; (9) upon request of any city, town, village, school district or other unit of local government in the county, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the county legislature; (10) perform such other duties as may be required by the county executive; (11) perform under the direction of the county executive all other duties of county purchasing agent under the laws of this state, not inconsistent with the provisions of this code. Amended by Local Law No. 4-1982.

Section 3.07 Division of purchase; purchasing procedure. a. The division of purchase shall make all purchases of and contracts for supplies, materials, equipment and insurance for the county, the county legislature or any administrative unit, other than primary or election supplies or the county shall be liable. The division of purchase shall also purchase or contract for those services which are subject to bidding. A service contract which is subject to approval by the Erie county legislature or contracted for by a department head pursuant to charter or code authority shall not be considered a purchase or contract made by this division. The lease of real property shall not be considered a service for the county purchased or contracted by the division of purchase. The division of purchase will review contracts for services and shall contract for those services which are determined to be subject to bid. The county legislature shall fix a sum as the limit above which any such purchase or contract cannot be made without publishing an advertisement in a daily newspaper printed in the English language and published in the county of Erie and having a circulation of not less than fifty thousand which advertisement shall invite sealed bids for the same, provided, however, that public advertisement shall not be required for purchase of perishable foodstuffs, drugs, dental and medical supplies or purchase of primary or election supplies or services. By a resolution adopted by a two-thirds vote of all its members, the

county legislature may exclude the purchase of other materials, supplies, equipment, insurance or services from the requirements of public advertisement. Such advertisement shall contain a statement of time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in this section unless the county legislature by a two-thirds vote shall determine that it will best promote the public interest that a bid other than that of the lowest bidder shall be accepted, and shall authorize, as hereinafter provided, the acceptance of such other bid. Where the bid of the lowest responsible bidder is in excess of one hundred thousand dollars (\$100,000) and the bidder's product is not manufactured within the county, or the bidder's service is not performed by a contractor whose principal place of business is located within the county, and where a difference of five percent or less exists between such low bid and the lowest bid submitted by a bidder residing or having a principal place of business in the county of Erie, the purchase director shall submit the bids to the legislature to determine whether or not it will best promote the public interest to award the bid to the lowest responsible bidder residing or having a principal place of business in the county of Erie. In the event the legislature does not adopt, at its first or second meeting after submission of said bids, a resolution determining that it will best promote the public interest that such a bid be accepted instead of the lowest responsible bid, the purchase director shall award the contract to the lowest responsible bidder. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the purchase director may award the contract to any of such bidders. The purchase director may in his discretion, reject all bids and re-advertise for new bids in the manner provided by this section.

Amended by Local Law No. 4-1982.

b. The purchasing director may purchase supplies, materials, equipment, insurance or services to be rendered by contract without the advertisement required by paragraph a of this section in the following cases: (1) when the county executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the county of Erie require immediate action which cannot await competitive bidding; (2) when, by resolution adopted by a two-thirds vote of all its members, the county legislature has determined it to be impracticable to advertise for such bids, or (3) when the county legislature is not in session, and through some accident or other unforeseen circumstances the machinery, apparatus or equipment of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements, and the administrative head in charge of such building shall certify in writing to the purchasing director such emergency and the necessity of immediate repair of the defect. Such certificate shall be approved by the county executive.

c. Upon the adoption of a resolution by a vote of at least two-thirds of all the members of the county legislature stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, services, insurance or supplies in excess of the amount specified by the county legislature in accordance with paragraph a may be awarded to the lowest responsible bidder furnishing the required



security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

d. Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding from the federal government, the state of New York or any other political subdivision or district.

e. No supplies, materials, equipment, insurance or biddable services shall be delivered except as specifically ordered by the division of purchase. No supplies, materials, equipment, insurance or biddable services shall be provided by the division to any administrative unit, office or employee except on a requisition in writing signed by an authorized person.

Amended by Local Law No. 4-1982.

f. Where the administrative code or other provision of law specifies that a purchase or contract is to be let by the purchasing division such purchase or contract shall be ordered by the purchasing director and the director shall certify the prices at which he made the purchases. The county comptroller shall not audit any bill or invoice for supplies, materials, equipment, insurance or biddable services unless it shall fully appear that such items or services were ordered pursuant to this code or other applicable law. All requisitions received by the purchasing director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The purchasing director shall make no purchases until he has first secured the certification of the county comptroller that there are unencumbered balances available for the purpose. Procedures established for the division of purchase shall be applicable only to purchases and contracts made by the division of purchase. Other purchases and contracts shall be made pursuant to procedures established by the executive department in consultation with the comptroller.

Amended by Local Law No. 4-1982.

Section 3.08 Division of information and support services. The division of information and support services shall be headed by the director of information and support services who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not in conflict with the county charter or this code. Such director shall be assisted by a director of data processing and by a deputy director of support services, and his powers and duties shall include the following:

a. The provision of micrographics, printing, copying, messenger and mailing services and the care and supervision of equipment in the division of information and support services related thereto, as well as the operation of such equipment including the preparation, processing, delivery and storage of data input into or output from such equipment where appropriate; and the performance of all functions, including advice and assistance, related to the operation, installation of or modification of such equipment in all participating county departments and agencies; and the training of personnel in participating departments and agencies for the purpose of using such equipment or properly preparing data for using such equipment;

b. The care and supervision of all vehicles and vehicle maintenance equipment in the division and the operation of a central motor pool for county employee use, as well as the collection of data on maintenance and operating costs of all county vehicles and the preparation and distribution of vehicle cost and utilization reports to participating departments and agencies;

c. The maintenance of records regarding total operating costs of the division of information and support and charging back such costs to participating departments and agencies. The division of central services shall have the authority to require county departments to provide necessary

data in usable format to compile its reports and statistics.

d. The office of data processing shall be headed by the director of data processing who shall be a person qualified by professional training and by practical or administrative experience in the area of data processing, and who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not in conflict with the county charter or this code. Such powers and duties shall include the care and supervision of all computers and related electronic equipment in the office of data processing, the preparation of programs and data for input into such computers, the processing and storage of output from such equipment, the supply of such output information to participating county departments and agencies, and the coordination of all county-owned or county-operated computer installation. The office of data processing shall advise and assist all departments of the county in matters relating to the installation of new data processing applications and modifications of existing procedures; evaluate and coordinate data processing requirements for participating departments and agencies; assist in the conversion of raw data into machine-usable materials or perform such function itself; carry out all functions related to the operation of data processing equipment, and train personnel of participating departments and agencies in acquisition of data in a form suitable for processing.

e. The acquisition, replacement, operation, and informational input and output of any computers and related electronic equipment used by the department of central police services in connection with any criminal justice program shall be under the exclusive control of the commissioner of central police services, subject to contracting and purchasing regulations and procedures set forth in the charter and administrative code.

f. The county executive may enter into contracts with the federal government, state government and any municipal corporation to provide data processing service to any such municipality or governmental entity, subject to the approval of the legislature.

NEW section 3.08 Added by Local Law No. 3-1989. Former section 3.08 **REPEALED** by Local Law No. 3-1989.

NEW section 3.08 Added by Local Law No. 5-1980. Former section 3.08 **REPEALED** by Local Law No. 5-1980.

Amended by Local Law No.7-2003.

Section 3.08-A County development coordination board. a. There shall be a county development coordination board consisting of seventeen members who shall be as follows: the commissioner of health; the commissioner of public works; the commissioner of parks, recreation and forestry; the commissioner of environment and planning; the chairman of the environmental management council, or his designee; a member of the county legislature selected by the chairman of the legislature; eleven persons designated by the county executive subject to confirmation by the county legislature and which persons are not county officials or employees. The county executive shall designate one member who is not a county official or employee to serve as chairman of the board at the pleasure of the county executive. The deputy commissioner of planning of the department shall serve as secretary to the board. The eleven members of the board designated by the county executive shall serve for a term of two years. Meetings of the board shall be held at the call of the chairman or the deputy commissioner of environment and planning on three days<sup>o</sup> written notice mailed to the last known address of each board member. The members of the board shall receive no salary or compensation for their services as members of such board, but shall, within the appropriations provided therefor, be entitled to actual

disbursements and expenses in performing the duties of their office.

b. The board shall have all the powers and duties conferred or imposed upon it by the county charter or by this code and shall (i) review the comprehensive plan prepared by the department of environment and planning and submit its recommendations thereon to the county executive and review proposed amendments to said plan prior to final action being taken on such amendments, (ii) review procedural guidelines for the coordination and preparation of the comprehensive plan and annual planning program, (iii) review county policies and standards for inclusion in the comprehensive plan and forward such recommendations to the county executive, (iv) recommend amendments to the comprehensive plan and annual planning program to the county executive, (v) advise the county executive in all matters within the jurisdiction of the county related to comprehensive regional, county and municipal planning and development and (vi) make recommendations on the capital budget and capital improvement program to the county executive pursuant to the procedures established by section 18.03 of this code.

Amended by Local Law No. 11-1989.

Amended by Local Law No. 6-1981.

Amended by Local Law No. 5-1978.

Amended by Local Law No. 3-1977.

Amended by Local Law No. 9-1975.

Section 3.09 Administrative appointments and removal. a. Each appointment by the county executive which is made in conformity with all requirements of the charter, this code and other applicable law, and which is subject to confirmation by the county legislature shall be valid until such confirmation has been voted upon by such board, or until thirty (30) days have expired after the filing of notice of such appointment. If a majority of such board shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of such board shall vote against confirmation, such vote shall constitute a rejection, the term of the interim appointee shall be terminated and the office or position shall be deemed vacant as of the end of the day of such vote. A person who has been thus rejected may not be appointed to the same position within the same calendar year, except after a reconsideration and reversal by the county legislature of its vote to reject. If within thirty calendar days after filing of written notice of appointment with the clerk of the board no vote shall have been taken, or if the voting shall not have resulted in a majority either for or against confirmation or rejection, the appointment shall be deemed to have been confirmed as of the thirtieth day after such filing.

b. The county executive may: (1) nominate for confirmation the same person whom he has appointed or is appointing to an office or position, or (2) appoint one qualified person to serve not longer than thirty days in any calendar year and nominate a different person for confirmation. Under the second alternative, the appointment shall be considered a temporary appointment not subject to confirmation.

c. If the county charter or this code prescribes specific or special qualifications for any appointment made by the county executive pursuant to section three hundred seven of article III of the county charter, the written notice of such appointment required by said section three hundred seven shall also contain a statement that such appointee has the required qualifications.

d. Each administrative head shall have power, within the appropriations provided therefor, to appoint all deputies, other officers and employees in his respective administrative unit; to designate in writing the relative rank of such deputies, including the order of temporary succession to the duties of the administrative head during his absence or disability or in the event of a vacancy, and delegate among them such of his powers and duties as he may determine. A

copy of all such designations and delegations shall be filed in the office of the county clerk.

e. Except in the legislative or judicial branch, no appointive county office or position which hereafter becomes vacant shall be filled until the county executive has certified in writing to the county legislature the necessity of filing the same.

f. If the county executive appoints one head for two or more administrative units, such person shall receive the salary for only one such position as the county executive shall designate. The county executive shall notify the comptroller and the county legislature of such salary designation.

g. The county executive, except as herein otherwise provided, may remove or suspend any officer or employee appointed by him under the authority of the county charter or this code by written notice of such suspension or removal and the effective date thereof served on such officer or employee personally or by mail sent to his last known address. Whenever a person shall be suspended, such suspension shall be without pay unless otherwise determined by the board of review. In the case of those administrative heads or members of boards and commissions appointed for the term or balance thereof of the county executive or for any other definite term, the effective date of removal shall not be earlier than ten calendar days after service of said notice, which notice shall contain a statement of the charges or reasons therefor, and no removal shall be made prior to the end of such term until a hearing, if requested, has been held by the board of review as provided in section nineteen hundred three of article XIX of the county charter and an order of removal has been signed by a majority of the board of review. In the event a hearing shall have been requested, the county executive shall give at least three days written notice, served in the manner set forth in this paragraph of the time and place of such hearing. Unless a request for a hearing before such board shall have been made to the county executive in writing within seven calendar days after delivery of the notice of removal, the right to such hearing shall be deemed to have been waived.

Section 3.10 **REPEALED** by Local Law No. 3-1989.

Amended by Local Law No. 6-1974.

NEW section 3.10 Added by Local Law No. 14-1972. Former section 3.10 renumbered as section 3.11 by Local Law No. 14-1972.

Section 3.11 Seal of county executive. a. The seal of the county executive shall consist of two (2) circles, one within the other, with the words "COUNTY EXECUTIVE-ERIE COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center of the inner circle the word "SEAL".

b. The following design is hereby adopted as the official and standard design of such seal:



c. The county executive shall affix or imprint such seal upon any and all instruments requiring the same.

Former section 3.10 renumbered as section 3.11 by Local Law No. 14-1972.

## **ARTICLE 4 DEPARTMENT OF FINANCE**

Section	4.01	Organization.
	4.02	Powers and duties.
	4.03	Submittal of proposed equalization rates.
	4.04	Division of treasury.
	4.05	Division of real property tax.
	4.06	Seal of commissioner of finance.

Section 4.01 Organization. The department of finance shall be headed by a commissioner, who shall organize it under the supervision and direction of the county executive into: (1) a division of treasury and (2) a division of real property tax.

Amended by Local Law No. 8-1988.

Section 4.02 Powers and duties. a. The commissioner of finance shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by any applicable provision of any act of the legislature not inconsistent with the county charter or this code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a county treasurer or director of real property tax.

b. The commissioner of finance shall have the power to appoint a deputy, who shall, to the extent that the commissioner shall delegate the same, have his powers and duties.

c. The commissioner of finance shall maintain an inventory of all county real property and shall have custody of all surety bonds, deeds to county property and such other instruments as the county executive may direct.

Amended by Local Law No. 8-1988.

Amended by Local Law No. 4-1985.

Section 4.03 Submittal of proposed equalization rates. The commissioner of finance shall, not later than October fifteenth in each year, submit to the county executive proposed county tax equalization rates, together with the documentary evidence used in determining the proposed rates and any other information which the county executive shall request in connection therewith.

Section 4.04 Division of treasury. The division of treasury shall be responsible for the collection, receipt, and deposit of all fees, taxes, revenues and other funds of the county or for which the county is responsible and shall have charge of the performance of all other duties required by any law to be performed by a county treasurer not inconsistent with the county charter or this code.

Section 4.05 Division of real property tax. a. The division of real property tax shall be headed by the deputy commissioner.

b. The deputy commissioner shall (1) keep a record of the transfer of title to real property and immediately notify the town clerk and the town board of assessors or the city board of assessors of all such transfers in each town or city, as the case may be; (2) provide a consultant and advisory service to assist local assessors in the performance of their duties and in the

establishment and maintenance of suitable procedures and facilities to improve assessment records and practices; (3) make tax maps, maintain them in current condition and provide copies thereof as requested.

c. The deputy commissioner shall (1) perform all the duties heretofore permitted or performed or required to be performed by the clerk of the county legislature pursuant to the provisions of the Erie county tax act, being chapter eight hundred twelve of the laws of nineteen hundred forty-two as amended, in relation to ascertaining, spreading, entering and extending taxes levied by the county legislature for all state, county, town and special district purposes and shall prepare and issue bills for the same; (2) when authorized by the commissioner of finance, prepare the annual school district tax bills for any school district in the county which has made a written request for the preparation thereof. The actual cost of procuring and preparing such tax bills shall be a charge upon the county and shall be reimbursed by such school district for such cost as provided in section 4-3.1 of the said Erie county tax act; and (3) assist in the preparation of or prepare village, town, city and county assessment rolls in the manner and under the conditions set forth in section 3-2.1 and 3-2.2 of said Erie county tax act.

Amended by Local Law No. 4-1991.

Amended by Local Law No. 8-1988.

Section 4.06 Seal of commissioner of finance. a. The seal of the department of finance shall consist of two circles, one within the other, with the words "COMMISSIONER OF FINANCE-ERIE COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center of the inner circle the word "SEAL."

b. The following design is hereby adopted as the official and standard design of such seal:



c. The commissioner of finance is hereby authorized and empowered to affix such seal upon all instruments requiring the same, including but not limited to any instrument requiring the seal of a county treasurer.

Amended by Local Law No. 8-1988.

Article 4 generally Amended and Renumbered by Local Law No. 8-1988.

Article 4 generally Amended and Renumbered by Local Law No. 4-1985.

## **ARTICLE 5 DEPARTMENT OF HEALTH**

Section	5.01	Department of health; commissioner.
	5.02	Powers and duties.
	5.03	Deputies.
	5.04	Board of health.
	5.05	Sanitary code.

- 5.06 County laboratory; assistant director.
- 5.07 Seal of department of health.

Section 5.01 Department of health; commissioner. The county health department shall be headed by a commissioner who shall possess the qualifications required by section five hundred one of article V of the county charter.

Section 5.02 Powers and duties. The commissioner of health shall have and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code, by any applicable act of the legislature not inconsistent with the county charter or this code and by order or direction of the county executive.

The commissioner of health also shall maintain a first aid medical center for county employees; shall provide for periodic health appraisal of county employees as required by or related to their employment; shall provide for physical examinations of civil defense volunteers and welfare participants in the "work for relief" program or other related programs; and render such advisory or coordinating service and make such surveys in the medical field as the county executive may direct.

Amended by Local Law No. 8-1972.

Section 5.03 Deputies. a. The county health commissioner may, within the appropriations provided therefor, appoint to serve at his pleasure, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties and to fulfill the purposes of article three of the public health law in the county health district. Such deputies and assistant deputies and other employees shall have the qualifications prescribed in the state sanitary code.

b. The county health commissioner shall designate a deputy qualified in accordance with the provisions of the state sanitary code to whom shall be delegated all the powers and duties of the county health commissioner when such commissioner is unable to act by reason of absence or disability. Such designation shall be in writing filed and recorded in the office of the Erie county clerk and in such other places as may be required by the public health law or any other applicable law.

Section 5.04 Board of health. The county executive shall appoint the members of the board of health in accordance with the provisions of section five hundred three of article V of the county charter. Such members shall be residents of the county health district.

The county medical society of the county may submit to the county executive a list of physicians from which the county executive may choose the medical members of the board of health. The terms of the members of the board of health first appointed by the county executive shall be made for the respective terms of six, five, four, three, two and one years. Vacancies shall be filled by appointment for the unexpired terms. The board of health shall elect annually a chairman, vice-chairman and a secretary from among its members. Meetings of the board of health shall be held at the call of the commissioner of health or the chairman of such board on five days written notice mailed to the last known address of such board members. The board of health shall have and exercise the powers and duties conferred or imposed upon such board by the county charter or this code. The board of health shall make recommendations and suggestions to the county executive relative to the qualifications and appointments of the commissioner of health and relative to the qualifications and duties of the deputy commissioners, officers or employees of the department of health. The board of health shall submit to the county executive a program of health and laboratory services and facilities and rules and regulations

concerning the rendition or operation of services and facilities in the health and laboratory programs.

Amended by Local Law No. 8-1989.

Amended by Local Law No. 3-1961.

Section 5.05 Sanitary code. a. The provisions of the Erie county sanitary code in effect at the time of the effective date of this code shall remain in full force and effect until amended or repealed by the board of health, provided, however, that the powers and duties for the enforcement of the county sanitary code shall on and after January first, nineteen hundred sixty-one, be vested in the commissioner of health.

b. Any sanitary code now in force or hereafter adopted by the board of health pursuant to the provisions of section five hundred four and article V of the county charter and any amendment to such sanitary code shall be published and filed in the manner and places required by the public health law and any other applicable law. Before adopting any amendment to the sanitary code the board of health shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two publications and at least twenty days shall elapse from the first publication to the date of the hearing. The notice shall contain an abstract statement of the proposed amendment and give the time and place of such hearing. On or before the date of the first publication of the proposed amendment, copies thereof shall be filed with the clerk of the county legislature, the county executive, the clerk of each city, town and village in Erie county and in the office of the commissioner of health and be open to inspection by the public. Such county sanitary code and any amendments thereto shall also be filed in the Erie county clerk's office.

Amended by Local Law No. 21-1973.

Section 5.06 County laboratory; assistant director. The county executive shall appoint an assistant director of the laboratory who shall possess the qualifications required by section five hundred five of the county charter. The assistant director shall 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, by order or direction of the commissioner of health 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 county laboratory board and the director of a county laboratory district by the public health law or other applicable law.

NEW section 5.06 Added by Local Law No. 8-1989. Former section 5.06 renumbered as section 5.07 by Local Law No. 8-1989.

Section 5.07 Seal of department of health. a. The seal of the department of health shall be two circles, one within the other, and around the outer circumference of the inner circle the words "ERIE COUNTY DEPARTMENT OF HEALTH-BUFFALO, N.Y." and within the inner circle a cross above the word "SEAL."

b. The following design shall hereby be adopted as the official and standard design of such seal:





c. The commissioner of health shall affix or imprint such seal upon any and all instruments requiring the same.

Former section 5.06 renumbered as section 5.07 by Local Law No. 8-1989.

**Erie County Administrative Code**  
**ARTICLE 6 DEPARTMENT OF LAW**

Section	6.01	Department of law; county attorney.
	6.02	Powers and duties.
	6.03	Assistant county attorneys.
	6.04	Bond of county attorney.

Section 6.01 Department of law; county attorney. The department of law shall be headed by the county attorney who shall be a member in good standing of the bar of the state of New York.

Section 6.02 Powers and duties. a. The county attorney shall have all the powers and duties, and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the county charter or acts amendatory thereto, by this code, by the county executive, by local law, by resolution of the county legislature or by any applicable provisions of any act of the legislature.

b. The county attorney shall make an annual report at the close of each fiscal year, to the county executive and the county legislature, covering generally the work of his office.

c. The county attorney may, within the limits of the appropriations provided therefor, employ special counsel, professional, technical or other consultant services and incur such expenses in connection therewith as he may deem necessary for the performances of his duties.

d. The county attorney shall prepare annually a supplement to the county charter and administrative code which shall indicate all additions to, repeals and amendments of any section of the charter or code.

Section 6.03 Assistant county attorneys. The county attorney shall, within the appropriations provided therefor, have the power to appoint assistant county attorneys who shall perform such duties pertaining to the office as may be directed by the county attorney. Every appointment of an assistant county attorney shall be in writing and filed and recorded in the office of the county clerk. Any such appointment may be revoked by the county attorney at any time by filing a written revocation in the office of the county clerk. If more than one assistant county attorney shall be appointed, the county attorney shall designate in writing and file in the office of the county clerk, the county executive and the clerk of the county legislature the order in which such assistants shall exercise the powers and duties of the office in the event of a

vacancy or the absence or inability of such county attorney to perform the duties of his office.

Section 6.04 Bond of county attorney. The county attorney and such of his assistants as the county legislature shall require shall each give a surety bond to the county in a sum fixed by the county legislature conditioned for the faithful performance of his duties, which bond shall be approved as to form by the district attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

## **ARTICLE 7 DEPARTMENT OF PARKS AND RECREATION**

Section	7.01	Organization.
	7.02	Division of parks.
	7.03	Division of recreation.
	7.04	Bureau of forestry.
	7.05	Rules and regulations.

### Section 7.01 Organization.

The department of parks and recreation shall be headed by a commissioner, who shall organize it, under the supervision and direction of the county executive, into (1) a division of parks, (2) a division of recreation, and (3) a bureau of forestry.

Section 7.02 Division of parks. The division of parks shall be headed by a deputy commissioner. He shall have supervision and control over the management, design, construction, operation, maintenance and repair of all county owned and operated properties and recreation facilities for all the purposes set forth in section seven hundred two of the county charter, except as provided by section 7.03 and 7.04 of this article and article 10 of this code.

Section 7.03 Division of recreation. The division of recreation shall be headed by a deputy commissioner. He shall (1) supervise and direct such county recreational facilities as the commissioner of parks and recreation shall designate; (2) plan, organize and direct county recreation programs; (3) with consent of the commissioner of parks and recreation, advise and assist any city, town or village in the county in the planning of recreation programs; and (4) file a detailed report of the activities of the division with the commissioner of parks and recreation and the county legislature.

Section 7.04 Bureau of forestry. The bureau of forestry shall be headed by the county forester who shall (1) plan, develop, operate, maintain and manage county forest lands; (2) consult with and advise the division of parks, the department of public works and any other county department or agency requesting his services in the selection, planting, care and maintenance of trees on any property owned or operated by the county; and (3) have such other powers and duties as may be conferred or imposed upon him by the commissioner of parks and recreation.

Section 7.05 Rules and regulations. The county legislature shall have power by ordinance or local law to regulate the use of forests, parks, playgrounds, athletic fields and recreation centers owned or operated by the county and to provide for the enforcement thereof.

## **ARTICLE 8 DEPARTMENT OF PERSONNEL**

Section	8.01	Department of personnel; commissioner.
	8.02	Powers and duties
	8.03	Examinations; eligibility lists.
	8.04	Administrative unit; information and aid.
	8.05	Personnel roster.
	8.06	Certification of payrolls.

Section 8.01 Department of personnel; commissioner. The department of personnel shall be headed by a commissioner who shall be the personnel officer of the county.

Section 8.02 Powers and duties. The commissioner of personnel shall, subject to the limitations thereon in section eight hundred two of article VIII of the county charter, have the powers and duties of a county civil service commissioner as provided in the civil service law. He shall have such other powers and duties as may be conferred or imposed upon him by the county executive.

Section 8.03 Examinations; eligibility lists. The commissioner of personnel shall request the state civil service department to render its services in the preparation and rating of examinations and the establishment of eligibility lists for all positions under his jurisdiction.

Section 8.04 Administrative unit; information and aid. It shall be the duty of the head of each administrative unit of the county to furnish the commissioner of personnel with such information and aid as such commissioner may deem necessary in the performance of his duties.

Section 8.05 Personnel roster. The commissioner of personnel shall establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee the date of appointment, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separations from county employment, and any other information the commissioner of personnel considers necessary for a proper personnel record.

Section 8.06 Certification of payrolls. No payroll, estimate or account providing for the payment of wages or salaries shall be approved by the commissioner of finance or county comptroller unless it bears the certificate of the commissioner of personnel that the persons named therein have been, during the period specified, employed in their respective positions in accordance with law and rules made pursuant to law.

## **ARTICLE 9 DEPARTMENT OF ENVIRONMENT AND PLANNING**

Section	9.01	Organization.
	9.02	Powers and duties.
	9.03	Division of planning; deputy commissioner; functions.
	9.04	Division of sewerage management; deputy

	commissioner; functions.
9.05	Division of environmental compliance; deputy commissioner; functions.
9.06	County environmental quality code.

Amended by Local Law No. 6-1988.

Section 9.01 Organization. The department of environment and planning shall be headed by a commissioner, who shall organize it under the supervision and direction of the county executive into:

1. a division of planning;
2. a division of sewerage management;
3. a division of environmental compliance.

Amended by Local Law No. 6-1988.

Former section 9.01-4 **REPEALED** by Local Law No. 1-1986.

Former section 9.01 Added by Local Law No. 4-1978.

Section 9.02 Powers and duties. a. The commissioner of environment and planning shall have all the functions, powers and duties provided by the county charter, by this code, and by any applicable provisions of any act of the state legislature not inconsistent with the county charter or this code.

b. The commissioner of environment and planning shall appoint a deputy commissioner for planning, a deputy commissioner for sewerage management and a deputy commissioner for environmental compliance.

Amended by Local Law No. 6-1988.

c. The commissioner of environment and planning may from time to time delegate such of his powers, duties and function as he shall deem appropriate to one or more of his deputies and may revoke such delegations. Any act performed by a deputy pursuant to such delegation shall have the same effect in law as if performed by the commissioner of environment and planning.

d. The commissioner of environment and planning or any authorized employee of the department may inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or for the purposes of ascertaining compliance or non-compliance with any rule or regulation or order promulgated pursuant to this article;

provided, however, except in case of emergency, such entry shall be at reasonable times and with due prior notice to the owner or occupant of said property.

e. The commissioner of environment and planning may with the concurrence of the commissioner of health authorize and direct employees of the department of health to make inspections for the department of environment and planning.

f. The commissioner of environment and planning or any consultant or employee of the department when authorized by him may enter upon any property or premises within the county for the purpose of making any surveys, examinations, tests or investigations necessary to lay out the route of or locate facilities for any sewerage system or other project assigned to the department by the county legislature at reasonable times and with due prior notice to the owner or occupant of said property.

g. The commissioner of environment and planning may execute licensing agreements with railroads, utility companies, governmental agencies and other organizations which are necessary for the construction and operation of Erie county sewerage or drainage systems.

h. The commissioner of environment and planning may, within the appropriations provided therefor, authorize and approve change orders on sewerage projects.

i. The commissioner of environment and planning may, under the direction of the county executive and upon request of one or more municipalities within the county, assist such local governments by furnishing technical advice, information and recommendations concerning environmental and planning matters.

Section 9.03 Division of planning; deputy commissioner; functions.

The division of planning shall be headed by a deputy commissioner, who shall be a person qualified by professional education, training and at least six years experience in the field of regional, county or municipal planning and planning administration.

The deputy commissioner of planning in addition to other duties assigned by the commissioner:

a. shall supervise and direct the planning staff;

b. shall advise the county executive, county legislature, development coordination board, and other departments, officials and agencies of the county with respect to any matter relating to the development or redevelopment of the county on which his opinion is requested, or upon which he deems it advisable to report;

c. shall prepare and maintain a county comprehensive plan and annual planning program;

d. shall participate in the development of a capital improvements program and prepare an annual capital program report;

e. shall perform development and zoning reviews and approvals as provided for in article twelve-B of the general municipal law, with the exception of the review of subdivisions pursuant to section 239-n of said general municipal law; and perform such other development reviews as may be required by or may pertain to federal, state, and regional governmental agencies and actions;

f. may make available, to assist in cooperative planning purposes, the services of the technical staff to the local planning commissions and boards of the cities, towns and villages within the county;

g. shall review, coordinate and integrate the planning and development programs of agencies of the county, all cities, towns and villages within the county, and all other governmental agencies operating within and affecting the county;

h. shall maintain basic data on the county's population, land use, housing, environmental status, human and natural resources and such other matters, and make such studies, analyses, plans and recommendations as may be necessary in the exercise of the powers and the performance of the duties set forth in this article;

i. shall prepare and administer any annual housing and community development program funded by the federal government;

j. shall have and exercise all the powers and duties of a county planning board heretofore or hereafter lawfully granted.

Section 9.04 Division of sewerage management; deputy commissioner; functions. The division of sewerage management shall be headed by a deputy commissioner, who shall be a professional engineer licensed to practice in the state of New York and shall be a graduate of a recognized college or university with a degree in sanitary, chemical or civil engineering and six years of satisfactory experience in the design, construction and operation of sewerage systems.

The deputy commissioner, in addition to other duties assigned by the commissioner, shall:

a. supervise and direct the sewerage management staff;

b. furnish technical advice, information and recommendations to assist in the administration of each county sewer district;

c. assemble data relating to the sewage collection, conveyance, treatment and disposal problems of the county and of its political subdivisions and the elimination or alleviation of such problems;

d. have all the powers and duties of the Erie county sewer, drainage and refuse agencies. In the event the deputy commissioner is unavailable to perform these duties, the commissioner shall designate a member of the division to act for him;

e. analyze and evaluate information for the establishment, development, coordination and utilization of sewerage facilities to service other municipalities in the county;

f. prepare maps, plans and cost estimates on sewerage facilities, compile economic data in support thereof and coordinate survey results in connection with a master sewerage plan;

g. prepare reports on studies and work with local municipalities in the formation of county sewer districts and in connection therewith cooperate with local, state and federal agencies on program hearings and surveys:

h. prepare or supervise the preparation of plans and specifications for construction work undertaken for any county sewer district and supervise and inspect the work;

i. supervise and direct the operation and maintenance of county sewerage facilities.

Section 9.05 Division of environmental compliance; deputy commissioner; functions. The division of environmental compliance shall be headed by a deputy commissioner, who shall be a person qualified by professional education, training, and at least six years experience in the field of environmental engineering, environmental management or environmental planning.

The deputy commissioner, in addition to other duties assigned by the commissioner:

a. shall supervise and direct the environmental compliance staff;

b. shall investigate and take appropriate action to resolve environmental complaints;

c. shall assist other units of county government, local municipalities, businesses and citizens to achieve and maintain local, state and federal environmental standards;

d. shall systematically evaluate the quality of water and air resources of the county and conduct such other investigations and undertake such other actions as may be deemed necessary or advisable to carry out the intents and purposes of the county environmental quality code and access progress in meeting environmental goals;

e. shall conduct investigations and undertake such other actions as are necessary to carry out the intents and purposes of federal or state environmental law in connection with inter-governmental agreements for joint environmental programs:

f. shall advise the commissioner in regard to proposed orders and other enforcement measures;

g. may issue, deny, revoke or modify permits under such conditions as may be prescribed in the county environmental quality code or under state law for the prevention, abatement or control of pollution;

h. shall review proposed environmental statutes, codes, rules and regulations and other actions of other levels of government and advise the county executive and legislature as to their effect on Erie county.

Section 9.05 Amended by Local Law No. 6-1988.

Section 9.06 County environmental quality code. a. Adoption procedure. Before adoption of the county environmental quality code or any amendment thereto, the commissioner of environment and planning shall cause notice of a public hearing thereon to be published in the

official newspapers and in newspapers of general daily circulation in the county once a week for two publications and at least twenty days shall elapse from the first publication to the date of the hearing. The notice shall contain an abstract statement of the proposed provision and give the time and place of such hearing. On or before the date of the first publication of the proposed provision, copies thereof shall be filed with the clerk of the county legislature, the county executive, the clerk of each city, town and village in Erie county and in the office of the commissioner of environment and planning and be open to inspection by the public. If subsequent to this initial public hearing, the commissioner's preliminary decision is to adopt the proposed county environmental quality code or any amendment thereto, he shall, within five days of said preliminary decision, submit a copy thereof to the clerk of the county legislature. The county legislature, at the second regular legislative meeting following such submission at which a quorum is present, may by resolution make a finding that the proposed code or amendment warrants further consideration. Upon such a finding, the commissioner shall hold a second public hearing in the same manner as that required for the initial public hearing. Subsequent to this second public hearing, the commissioner shall either adopt or issue an order declining to adopt the proposed code or amendment. In the event the county legislature shall make no finding that further consideration is warranted, the commissioner's preliminary decision to adopt the proposed code or amendment shall become final upon adjournment of the second regular legislative meeting, subsequent to submission of the preliminary decision, at which a quorum is present. All rules, regulations, orders and directions promulgated under this section shall be compiled and known as the Erie county environmental quality code. In the event that provisions of the sanitary code promulgated by the board of health and provisions of the environmental quality code shall be applicable to the same subject, the more restrictive provision shall control.

b. Enforcement.

1. The commissioner may prescribe and impose penalties for the violation of or failure to comply with any of his orders or regulations, after holding a hearing thereon. Such penalties shall not exceed ten thousand dollars (\$10,000) for a single violation or failure, which if not paid as ordered by the commissioner, will be recoverable by action in the appropriate court.

2. (a) The provisions of the county environmental quality code shall have the force and effect of law.

(b) Any non-compliance or non-conformance with any provision of such code or of a rule or regulation, duly made thereunder shall constitute a violation punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen days or both such fine and imprisonment.

(c) Certified copies of the environmental quality code shall be received in evidence in all courts and proceedings.

3. The commissioner may enforce the county environmental quality code by stipulation, agreed settlement, consent order or other conciliation agreements.

4. The commissioner shall have all the authority conferred by state law upon local officials to enforce orders, rules and regulations pertaining to the control and enhancement of the quality, use or enjoyment of air and water resources.

c. Procedure.

1. Notices; service of process. (a) Notices of all public hearings shall specify the time, date and place of hearing.

(b) Service of all processes, except subpoenas, shall be made in the same manner as a

summons in a civil action or by registered or certified mail with a return receipt requested, addressed to the individual served in person or in a representative capacity as hereinafter provided at his last known residence, office or place of business. Such service shall be made upon a municipality by serving the chief executive or counsel thereof, upon a sewer district, authority, commission or private corporation by serving an officer thereof or upon an unincorporated association or partnership or other company of persons which has a president or treasurer by serving either of such officers.

(c) Subpoenas shall be served upon the witnesses personally, together with such fees therefor as may be provided by law.

2. Proceedings before the commissioner. (a) Whenever it shall appear to the commissioner that there has been a violation of any of the provisions of the county environmental code, he shall give written notice to the alleged violator or violators setting forth any thing or act done or omitted to be done or claimed to be in violation of any such provisions, and requiring that the matters complained of be corrected, or that the alleged violator appear in person or by attorney before the commissioner or his duly designated representative, at the time and place said notice specifies, and answer the charges complained of.

(b) At least twenty days notice of such hearing shall be given.

(c) One day before the return day of such notice, the person so notified shall file with the commissioner a statement setting forth the position of the person so notified, the answer, if any, to the charges made against him, the methods, practices and procedures, if any, which are being taken to prevent violations of the provisions of the county environmental quality code, and any other defenses or information pertinent to the case. Pertinent and relevant testimony of witnesses shall be received in support of or opposition to said statement.

(d) The burden of proof with respect to violations imposed by provisions of the county environmental quality code shall be upon the department.

(e) After due consideration of the written and oral statements, and testimony and arguments filed pursuant to subdivision 2(c) above or on default in appearance on said return day, the commissioner may issue and enter such final order or make such final determination as he deems appropriate under the circumstances, and shall notify such person or persons thereof in writing, personally, by registered mail or by certified mail, return receipt requested.

3. Hearings. (a) Public hearings shall be conducted by the commissioner, or his duly designated representative or representatives, prior to issuance of an order directing discontinuance of actions allegedly in contravention of provisions of the county environmental quality code.

(b) The hearings herein provided may be conducted by the commissioner, or by the duly designated hearing officer or officers at any time and place.

(c) A record, or summary thereof, of the proceedings of said hearings shall be made and filed with the department of environment and planning. If requested by any party concerned with said hearing, the full stenographic notes of the testimony presented at said hearing shall be taken and filed. The stenographer shall, upon the payment of his fee allowed by the law therefor, furnish a certified transcript of the whole or any part of his notes to any party to the action requiring the same.

(d) In any such hearing, the hearing officer or any member of the hearing panel may administer oaths, examine witnesses, and issue, in the name of the department, notices of hearings and subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing. A designation of a person or



persons by the commissioner to perform the functions herein authorized shall be in writing and filed with the department.

4. The commissioner is hereby authorized to settle or compromise any action or cause of action for the recovery of a penalty under the provisions of the county environmental quality code.

5. Hearings for persons aggrieved. The commissioner shall grant a hearing to any person not previously heard in connection with the making of a determination or order, who within twenty days after service upon him of a copy of a notice, order or determination of the commissioner, may file a petition with the department alleging that the said order(s) or determination(s) is or are contrary to fact and injurious to him, and that said order or determination caused him damage by the invasion of or interference with a private right or privilege, particularly appertaining to him. At such hearing the petitioner may appear in person or by attorney, present witnesses, submit evidence and be given full opportunity to be heard. Following such hearing, the commissioner shall make his determination, which, unless an appeal is taken therefrom, shall be final and conclusive.

6. Summary action. Whenever the commissioner, after investigation, is of the opinion that any person is causing, engaging in or maintaining a condition or activity which in his opinion constitutes danger to the health or welfare of the people, and that it therefore appears to be prejudicial to the interest of the people to delay action for twenty days until an opportunity for a hearing can be provided in accordance with the provisions of section 9.07c, the commissioner may order the person, by written notice, to discontinue such dangerous condition or activity or take certain action immediately or within a specified period of less than twenty days. As promptly as possible thereafter within not to exceed twenty days, the commissioner shall provide the person an opportunity to be heard and to present any proof that such condition or activity does not constitute a danger to the health of the people.

7. Review by courts. All orders or determinations of the commissioner of the department shall be subject to review as provided in article seventy-eight of the civil practice law and rules. Application for such review must be made within sixty days after service in person or by mail of a copy of the determination or decision upon the attorney of record of the applicant and of each person who has filed a notice of appearance or to the applicant in person directly if not represented by an attorney.

NEW article 9 Added by Local Law No. 3-1977.

Article 9 Department of Environmental Quality **REPEALED** In its entirety by Local Law No. 3-1977.

Section 9.07 Fisheries advisory board. There shall be within the department a fisheries advisory board, consisting of twelve members. The county executive shall make the appointments for eight positions, the chairman of the Erie County legislature shall make the appointment for one position, the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie County legislature shall by majority vote make the appointment each for one position, and the Chairperson of the Legislature's Energy & Environment Committee shall make the appointment for one member, and all such appointments shall be subject to confirmation by the Erie County legislature. Members shall be appointed to terms of three years, except that of the members first appointed, four shall be appointed to terms expiring the thirty-first day of December nineteen hundred ninety-seven, four shall be appointed to terms expiring the thirty-first day of December nineteen hundred ninety-eight, and four shall

be appointed to terms expiring the thirty-first day of December nineteen hundred ninety-nine. The chairman of the Erie County legislature shall make the appointment to designate one of the four members which next become vacant by expiration of the original term after approval of this local law, which shall then and thereafter be the position to be appointed by the chairman of the Erie County legislature, with the appointee serving for a term of three years. The members of the Erie County legislature shall make the appointments to designate the two members which next become vacant by expiration of the original term after approval of this local law, which shall then and thereafter be the positions to be appointed by the members of the Erie County legislature, with each appointee serving for a term of three years. The Chairperson of the Erie county Legislature=s Energy & Environment Committee shall make the appointment to designate the member which next becomes vacant by expiration of the original term after approval of this local law, which shall then and thereafter be the position to be appointed by the Chairperson of the Erie county Legislature=s Energy & Environment Committee, with the appointee serving for a term of three years. Members shall be residents of the County of Erie, and shall include representatives of sports and recreational fishing, and of various fields of marine and aquatic sciences. The board shall advise the department on matters concerning protection, development, and access to fisheries, upon related issues, and upon such additional matters as may be requested by the commissioner or by the county executive. No later than the first day of December in each year, the board shall deliver to the county executive an annual report summarizing the board=s activities over the preceding twelve months.

This local law shall take effect immediately.

Section 9.07 Added by Local Law No. 2-1997.

## **ARTICLE 10 DEPARTMENT OF PUBLIC WORKS**

Section	10.01	Organization.
	10.02	Powers and duties.
	10.03	Division of highways.
	10.04	Division of buildings and grounds.
	10.05	Bureau of weights and measures.
	10.06	Traffic safety advisory board.

Amended by Local Law No. 11-1972.

Section 10.01 Organization. The department of public works shall be headed by a commissioner, who shall possess the qualifications required by article X of the county charter. He shall organize the department under the supervision and direction of the county executive; (1) a division of highways, (2) a division of buildings and grounds, and (3) a bureau of weights and measures.

Amended by Local Law No. 15-1974.

Section 10.02 Powers and duties. a. The commissioner of public works shall have all the powers and duties and shall be subject to all the liabilities and obligations heretofore or hereafter

lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by any applicable provisions of any act of the legislature not inconsistent with the county charter or this code. Such powers, duties, obligations and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required to be performed by or imposed upon a county engineer or a county superintendent of highways or a county traffic safety board and/or the executive secretary of a county traffic safety board.

Amended by Local Law No. 11-1972.

b. The commissioner of public works may delegate to one or more of his deputies specific powers and duties of the commissioner of public works, including those which he has as county engineer or as a county superintendent of highways, and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. Such written delegations or revocations shall be filed with the county executive and with the county clerk, and if the powers or duties so delegated or revoked are those which the commissioner of public works has as county engineer or county superintendent of highways, a duplicate of such written delegation or revocation shall be filed with the state superintendent of public works. The acts performed by such deputies pursuant to such delegations shall have the same effect in law as if performed by the commissioner of public works.

c. Within the appropriations provided therefor, and when authorized by the county executive, the commissioner of public works may employ such special engineering, architectural or other technical counsel and incur such expenses as may be necessary for the performance of any of the duties set forth in article X of the county charter or in this code. Professional fees or other compensation shall not exceed rates approved by the county legislature.

d. The commissioner of public works and any consultant, deputy, assistant or employee of the department when authorized by him may enter upon any public or private property within the county for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the department.

e. The commissioner of public works may arrange, subject to the approval of the county executive and the county legislature, with any city, town, village, public authority, district or commissioners within the county for public works services. The charge for such services shall be in each case the costs and expenses of rendering the service as provided by section seventeen hundred two of the county charter and as certified by the commissioner of public works and the comptroller.

f. The commissioner of public works shall be the administrative and enforcement officer of the county for all purposes under the New York state uniform fire prevention and building code. The commissioner shall have the authority to promulgate rules and regulations consistent with the New York state fire prevention and building code, and shall establish a system of permits, inspections and approvals of all construction, reconstruction, renovation or modification of any building owned by the county. All buildings owned by the county, including but not limited to those under the custodial jurisdiction of the commissioner, community college, the library, holding center, penitentiary, home and infirmary, medical center and laboratory, shall be subject to the fire prevention and building code established by the commissioner, and shall be subject to the enforcement jurisdiction of the commissioner. The commissioner may delegate the inspection and enforcement of the New York state uniform fire prevention and building code to deputies and employees within the department, and by rule may delegate such powers to licensed

professional engineers with the division of sewerage management in the department of environment and planning. No county owned building shall be constructed, altered, or renovated until a permit is first issued by the commissioner. The commissioner shall have the power to: deny permits to proposed projects which do not meet the standards of the uniform fire prevention and building code; order employees and contractors to cease work on unapproved or disapproved projects; enter all permitted premises at any time to inspect the course of construction, renovation or alteration; cause workers to change, correct or remove work which fails inspection; or cause employees or contractors to cease work. No certificate of occupancy shall be issued and no person shall occupy any county building, or any altered or renovated part of such building, until the work is first inspected and approved pursuant to this section.  
Section 10.02(f) added by Local Law No. 3-1998.

#### Section 10.03 Division of highways.

a. The division of highways shall be headed by a deputy commissioner, who shall, to the extent that the commissioner of public works shall designate the same in writing, have all of the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by the highway law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the county legislature or by direction of the commissioner of public works.

NEW subsection a. Added by Local Law No. 6-1994. Subsection a. **REPEALED** by Local Law No. 6-1994.

b. Except as the provisions of the highway law conflict with or are changed by the county charter or this code, such provisions shall apply to and define the powers, duties and obligations of the commissioner of public works, or of his designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways or a county engineer.

c. The statements and reports required to be filed with the county legislature and public works department by paragraphs three and seven of section one hundred two of article XX of the highway law shall also be filed with the county executive.

d. The inventories required by paragraph thirteen of section one hundred two of article XX of the highway law shall be filed with the county legislature, the county executive, the comptroller, the budget director and the director of purchase and central services.

e. The commissioner of public works may permit the rental, with or without operator, of the county highway machinery, tools, equipment and implements by any county or by any city, town, village, school or other district in Erie county, upon such terms as may be agreed upon, but with the payment to the county of not less than the hourly rate as fixed by the state superintendent of public works for the rental or hiring of such machinery, tools or equipment by the county. All sums obtained pursuant to any terms agreed upon shall be deposited in the county road machinery fund.

Section 10.04 Division of buildings and grounds. The division of buildings and grounds shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall:

a. have charge of the preservation and maintenance of all buildings and grounds owned or leased by the county which are held, used and/or operated by the county for county purposes, except (1) lands and buildings under the jurisdiction of the division of highways or the department of parks and recreation, and (2) custodial care of the technical institute, library, jail,

penitentiary, home and infirmary, hospital or laboratory;

b. have charge and control of all janitors, caretakers, engineers and any other employees connected with the care and maintenance of county buildings and grounds except as provided in paragraph a of this section. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the commissioner of public works; and

c. perform such other duties and make such reports as are required by the commissioner of public works.

Section 10.05 Bureau of weights and measures. a. The bureau of weights and measures shall be headed by the county sealer of weights and measures. He shall possess all of the qualifications required for and shall have all the powers and duties of a county sealer of weights and measures now or hereafter granted or imposed by article sixteen of the agriculture and market law of the state of New York, by local law, by ordinance or resolution of the county legislature, by order or direction of the commissioner of public works, and by any applicable provision of any act of the legislature not inconsistent with the county charter.

b. Wherever and whenever the county sealer of weights and measures is required by any state law to make a report to the county legislature, he shall, at the same time, file a copy thereof with the commissioner of public works.

c. Notwithstanding the provisions of section one hundred eighty-two of article sixteen of the agricultural and market law, the appointment of a county sealer of weights and measures shall be made by the commissioner of public works. Deleted and Amended by Local Law No. 15-1974. Amended by Local Law No. 2-1965.

Section 10.06 Traffic safety advisory board. The county executive shall appoint a traffic safety advisory board of fifteen members interested in traffic safety and traffic problems. Each member shall be a resident of Erie county and shall be a qualified elector thereof. At least one of such members shall be a resident of each of the cities contained in the county and at least six of such members shall be residents of the area of the county outside such cities. The said board shall annually elect a chairman, vice-chairman and secretary from its members. Meetings of the traffic safety advisory board shall be held at the call of the commissioner of public works or the chairman of such board on three days written notice mailed to the last known address of such board members. Such board shall have and exercise the powers and duties conferred or imposed upon it by the county charter or this code. The term of office of such members shall be five years. The terms of office of the incumbent members of the traffic safety advisory board shall continue for the periods for which such members shall have been appointed. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term.

Amended by Local Law No. 15-1974.

Amended by Local Law No. 11-1972.

## **ARTICLE 11-A DEPARTMENT OF PUBLIC SAFETY**

**REPEALED** in its entirety by Local Law No. 2-1972.

Article 11-A Added by Local Law No. 2-1964.

## **ARTICLE 11-B DEPARTMENT OF MENTAL HEALTH**

Section 11-B-01 Organization; commissioner.

11-B-02 Powers and duties.

11-B-03      Advisory board.

Section 11-B-01    Organization; commissioner. The department of mental hygiene shall be headed by a commissioner who shall possess the qualifications required in section 11-B-01 of the Erie county charter.

Section 11-B-02    Powers and duties. The commissioner of mental health may, within the appropriations provided therefor, employ and remove such officers, employees and consultants as may be necessary for the work of the office and to fulfill the purpose of article eight-a of the mental hygiene law. He shall designate a deputy commissioner to whom shall be delegated all the powers and duties of the commissioner when such commissioner is unable to act by reason of absence or disability. Such designation shall be in writing, filed and recorded in the office of the Erie county clerk and such other places as may be required by the mental hygiene law or any other applicable law.

Section 11-B-03    Advisory board. The county executive shall appoint the members of the mental health advisory board in accordance with the provisions of section one hundred ninety-b of article eight-A of the mental hygiene law. Such members shall be residents of the county of Erie.

The mental health advisory board shall elect annually a chairman, vice-chairman and a secretary from among its members. The mental health advisory board shall have and exercise the powers and duties conferred or imposed upon such board by the county charter or this code.

Meetings of the mental health advisory board shall be held at the call of the commissioner of mental health or the chairman of such board on three days written notice mailed to the last known address of such board members. The mental health advisory board shall at the request of the county executive and may of its own initiative, make recommendations and suggestions to the county executive relative to the qualifications and appointment of the commissioner of mental health and relative to the qualifications and duties of the deputy commissioner, officers or employees of the department of mental health.

Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

Article 11-B Added by Local Law No. 5-1967.

**ARTICLE 11-C DEPARTMENT OF EMERGENCY SERVICES**

Section	11-C.01	Organization.
	11-C.02	Powers and duties.
	11-C.03	Division of emergency medical services.
	11-C.04	Division of fire safety.
	11-C.05	Division of civil defense/disaster preparedness.
	11-C.06	Absence, disability or vacancy.
	11-C.07	Advisory boards.

Section 11-C.01    Organization. The department of emergency services shall be headed by a

commissioner who shall organize the department, under the supervision of the county executive, into:

1. a division of emergency medical services;
2. a division of fire safety;
3. a division of civil defense/disaster preparedness.

Section 11-C.02 Power and duties. The commissioner of emergency services shall have and exercise all the powers and duties granted or imposed by the laws of the state of New York upon a county director of emergency medical services, a county fire coordinator, a county director of civil defense and a county director of disaster preparedness and all the duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.03 Division of emergency medical services. The division of emergency medical services shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of emergency medical services shall, when so directed by the commissioner, have and exercise any or all of the powers and duties vested in and imposed upon a county director of emergency medical services by the laws of the state of New York and any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.04 Division of fire safety. The division of fire safety shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of fire safety shall, when so directed by the commissioner, have and exercise any or all of the powers and duties vested in and imposed upon a county fire coordinator by the laws of the state of New York and any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.05 Division of civil defense/disaster preparedness. The division of civil defense/disaster preparedness shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of civil defense/disaster preparedness shall, when so directed by the commissioner: have and exercise any or all of the powers and duties vested in and imposed upon a local director of civil defense under the New York state defense emergency act; develop, make public and regularly amend a county disaster preparedness plan, in accordance with article two-B of the executive law, for the coordination of emergency services in the event of natural or other disaster or emergency; coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event such assistance is requested by the chief executive of any city, town or village within the county; have and exercise any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by

applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.06 Absence, disability or vacancy. The commissioner shall designate in a writing filed in the office of the Erie county clerk the relative rank of the deputy commissioners, including: the order in which each is to temporarily succeed to the duties of the commissioner during his absence or disability or in the event of a vacancy in such office, and; the order in which each deputy commissioner is to temporarily succeed to the duties of any other deputy commissioner during the absence or disability, or in the event of a vacancy in the office, of such other deputy commissioner.

Section 11-C.07 Advisory boards. The county executive shall appoint the following advisory boards:

a. Emergency medical services advisory board: This board shall be composed of no fewer than fifteen and no more than twenty-five members appointed by the county executive for two-year terms. One-third of the members shall be active members of volunteer fire companies operating rescue squads or ambulance services and the remaining membership shall be elected officials or their representatives, representatives of ambulance services, hospitals, fire department emergency and rescue squads, public health officers and other agencies, organizations or citizens involved in the planning or provision of emergency medical services. The county executive shall designate one of the members to serve as chairman. It will be the duty of such board to cooperate with the state health department's bureau of emergency medical services in effectuating the purposes for which the bureau was established in relation to programs for emergency medical services; to act as an advisory board to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of emergency medical services in connection with county establishment and maintenance of a county emergency medical services and mutual aid program for medical and other emergencies in which the services of emergency medical personnel would be used. Members of such board shall be county officers and shall serve without compensation.

b. Fire Advisory Board: This board shall be composed of twenty-five (25) members appointed by the County Executive for two years. At least eight of the members shall be active or exempt members of volunteer fire companies. It shall be the duty of such board to cooperate with the state office of fire prevention and control in effectuating the purposes for which the office was established in relation to programs for fire training and mutual aid; to act as an advisory body to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of fire safety in connection with county participation in programs for fire training and mutual aid, county establishment and maintenance of a county fire training school and mutual aid programs for fire and other emergencies in which the services of firemen would be used; and to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of fire safety may prescribe in relation to fire training and mutual aid for fire and other emergencies in which the services of firemen would be used; and to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of fire safety may prescribe in relation to fire training and mutual aid for fire and other emergencies in which the services of firemen would be used. The members of such board shall be county officers and shall serve without compensation. The terms of the office of the incumbent members of the fire advisory board shall continue for the periods for which such members shall have been appointed. Amended by Local Law No. 3-1990.



Amended by Local Law 4-2003.

c. Civil defense/disaster preparedness advisory board: This board shall be composed of no fewer than fifteen and no more than twenty-five members who shall be appointed by the county executive for two-year terms. One-third of the members shall be active members of voluntary fire companies and the remainder shall be elected officials or their representatives, representatives of organizations involved in civil defense and disaster preparedness and other citizens of the county. The commissioner of environment and planning, the sheriff, the commissioner of public works and the commissioner of health shall be ex-officio members. The county executive shall designate one of the members to serve as chairman. It shall be the duty of such board to cooperate with the state civil defense commission and the state natural disasters commission in effectuating the purposes for which the commissions were established in relation to programs for civil defense and disaster preparedness; to act as an advisory board to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of civil defense/disaster preparedness in connection with county participation in programs for civil defense and disaster preparedness, county establishment and maintenance of county civil defense and disaster preparedness plans and programs for natural or other disasters or emergencies in which the services of civil defense forces or emergency personnel would be used; to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of civil defense/disaster preparedness may prescribe in relation to civil defense and disaster preparedness programs for natural or other disasters or emergencies in which the services of emergency personnel would be used. The members of such board shall be county officers and shall serve without compensation.

The chairman of the emergency medical services advisory board, the fire advisory board and the civil defense/disaster preparedness advisory board shall each designate a member of their respective advisory boards, or themselves, to form a four member steering committee to act as a liaison between the county executive, the county legislature and the commissioner of emergency services relative to the coordination and development of plans and programs for emergency medical services, fire safety, civil defense and disaster preparedness purposes. The fourth member of the steering committee shall be appointed by the county executive and shall serve as the chairman thereof.

NEW article 11-C Added by Local Law No. 1-1986.

Article 11-C **REPEALED** by Local Law No. 1-1986.

Article 11-C Added by Local Law No. 4-1972.

## **ARTICLE 11-D DEPARTMENT OF CENTRAL POLICE SERVICES**

Section	11-D-01	Department established.
	11-D-02	Commissioner; powers and duties.
	11-D-03	Board of trustees.

Section 11-D-01 Department established. There shall be a department of central police services as established by the Erie county charter.

Section 11-D-02 Commissioner; powers and duties. There shall be a commissioner of central police services to be appointed and with powers and duties pursuant to provisions of the Erie county charter.

Section 11-D-03 Board of trustees. There shall be a department of central police services board of trustees as established by the Erie county charter. Members of the board of trustees except the three ex-officio members shall be selected for two-year terms, except that the first designee of the county executive and the first designee of the chairman of the Erie county legislature are to be selected for one-year terms. The initial terms shall be deemed as commencing on January first, nineteen hundred seventy-three, regardless of the date of appointment. Any designated member may be designated for additional terms. Any designated member chosen to fill a vacancy created otherwise than by expiration of term shall be designated for the unexpired term of the member he is to succeed.

There shall be an initial organizational meeting of the board of trustees held during January of each year at which a chair, vice-chair and secretary shall be elected from among its members by a majority vote of a quorum consisting of at least four members, this same number to constitute a quorum for conduct of any business at meetings of the board of trustees. The chair, vice chair and secretary shall serve for a term of one year.

Amended by Local Law No. 4-1999.

Article 11-D Added by Local Law No. 1-1973.

## **ARTICLE 11-E DEPARTMENT OF SENIOR SERVICES**

Section	11-E-01	Department established.
	11-E-02	Commissioner; powers and duties.
	11-E-03	Advisory board.

Section 11-E-01 Department established. There shall be a department of senior services as established by the Erie county charter.

Section 11-E-02 Commissioner; powers and duties. There shall be a commissioner of the department of senior services to be appointed with powers and duties pursuant to provisions of the Erie county charter.

Section 11-E-03 Advisory board. The county executive shall appoint nineteen persons to serve without compensation on an advisory board for the department of senior services to advise on matters relating to senior citizens in the county. The board shall include not less than ten members who are Erie county residents, sixty-two years of age or older. Membership shall be proportionately representative of the geographical areas within Erie county. The term of office of members of the board shall be two years. Officers of the board shall be selected by the membership thereof. Members of the board shall include, but not be limited to, representatives of the council of senior citizens clubs of Buffalo and Erie county, inc., and of the retired senior volunteer program.

Article 11-E Added by Local Law No. 5-1979.

## **ARTICLE 11-F\* DEPARTMENT OF YOUTH SERVICES**

Section	11-F-01	Department established.
	11-F-02	Commissioner; powers and duties.
	11-F-03	Youth services board.

Section 11-F-01 Department established. There shall be a department of youth services as established by the Erie county charter.

Section 11-F-02 Commissioner; power and duties. There shall be a commissioner of the department of youth services to be appointed with powers and duties pursuant to provisions of the Erie county charter.

Section 11-F-03 Youth services board. The county executive shall appoint twenty-one persons to serve without compensation on a youth services board for the department of youth services to advise on matters relating to youth in the county. Membership shall be proportionately representative of the geographical areas within the county. The term of office of members of the board shall be two years. Officers of the board shall be selected by the membership thereof.

Added by Local Law No. 3-1983.

\*See also, article 11-F, "Office for the Disabled."

## **ARTICLE 11-F\* OFFICE FOR THE DISABLED**

Section	11-F-01	Office established.
	11-F-02	Director; powers and duties.
	11-F-03	Advisory board.

Section 11-F-01 Office established. There shall be an office for the disabled as established by the Erie county charter.

Section 11-F-02 Director; powers and duties. There shall be a director of the office for the disabled to be appointed with powers and duties pursuant to provisions of the Erie county charter.

Section 11-F-03 Advisory board. The advisory board to the office for the disabled shall be known as the Erie county council on the disabled. Members of the council shall be appointed by the county executive, subject to confirmation by the county legislature and shall serve without compensation. Such council shall consist of twelve voting members: six of whom shall be disabled individuals or the parent of a disabled child or children, with a maximum of three of the preceding members being a non-disabled parent of a disabled child or children; and three of whom shall be appointed from a list of nine representatives nominated by public and private agencies and organizations serving disabled citizens of the county. In addition to the voting members, each public and private agency and organization providing service to the disabled shall be entitled to designate a non-voting member to the council. The term of office of voting members of the council shall be two years and the term of the members first appointed shall commence on the first day of the month following the enactment of this law. A vacancy shall be filled for an unexpired term of a voting member in the same manner as the original appointment.

Officers of the council shall be selected by the voting membership thereof.

Meetings of the council shall be held upon the call of the chairman or as specified in a written declaration by a majority of the members of such council but in no event shall less than eight meetings per year be held.

The council shall be charged with the responsibility of assisting the director in the implementation and performance of those functions and duties set forth in section 11-F-02 of the Erie county charter and to hold at least one open meeting annually for purposes of soliciting the comments of the general public regarding the status of services and programs for the disabled in the county.

Added by Local Law No. 4-1983.

\*See also, article 11-F, "Department of Youth Services."

## **ARTICLE 12 COMPTROLLER**

Section	12.01	Election.
	12.02	Powers and duties.
	12.03	Deputies and organization.
	12.04	Bond of comptroller.
	12.05	Financial reporting.
	12.06	Depository Undertakings.
	12.07	Seal.

Amended by Local Law No. 8-1988.

Section 12.01 Election.

Section 12.02 Powers and duties. The comptroller shall have all the powers and duties conferred or imposed upon him by the county charter or by this code and shall:

a. examine and audit all claims or payrolls for services rendered the county, or for salaries of any county employee or county officer and furnish one certified transcript of such payrolls as approved to the commissioner of finance. All original payrolls shall be filed in the office of the comptroller. Before presentation to the comptroller of such payrolls, they shall be certified by the head of the appropriate administrative unit or his deputy in the manner and form prescribed by the comptroller. The comptroller shall not approve any payroll or item thereof until the commissioner of personnel shall have certified that the persons named therein are employed in their respective positions in accordance with law and rules made pursuant to law.

b. prescribe, with the approval of the county attorney the procedure and form for the submission of claims or charges against the county or against funds for which the county is responsible. Such forms shall be in accordance with the requirements of any law, rule or regulation applicable to the form, certification or payment of such claim or charge.

c. make available to the county legislature, the county executive and the head of any administrative unit of the county any information from the records and accounts of the comptroller's office which they may require to assist them in the performance of their duties.

d. prepare and submit to the director of budget and management annually on such date as he

shall designate and on forms prescribed by him, the information required by the director of budget and management to assist him in the preparation of the proposed tentative operating and capital budget.

Amended by Local Law No. 8-1988.

e. prepare and sign all checks for the payment of the payroll and all other lawful claims or charges against the county or against funds for which the county is responsible and deliver the same to the commissioner of finance.

f. prescribe and issue procedures to all county departments for the preparation of input documents and for the accounting of all appropriations, encumbrances, expenditures and revenue.

g. as chief fiscal, accounting, reporting and auditing officer maintain records of the county's accounting transactions as processed in the county's computerized accounting system; and designate in writing, where appropriate, if selected source documents are to be filed in other county departments.

Amended by Local Law No. 8-1988.

h. not be an officer, director, or stockholder of and depository or depositories designated by the county executive, pursuant to subsection g of section 1302 of the county charter.

Added by Local Law No. 8-1988.

i. be responsible for reviewing, signing and mailing, or assuring the appropriate signing and mailing of all claims which are prepared by county departments, and for preparing accounting input documents to reflect the allocation of all cash received.

Added by Local Law No. 8-1988.

j. have custody of and disburse all fees, revenues, and other funds of the county or for which the county is responsible, except for funds within the county vendor bank account which are under the jurisdiction of the commissioner of finance.

Added by Local Law No. 8-1988.

k. transfer cash to the county vendor bank account upon request of the commissioner of finance.

Added by Local Law No. 8-1988.

Section 12.03 Deputies and organization. The comptroller shall have the power to appoint a deputy for accounting, investment and cash management, and an auditing deputy and shall within the appropriations provided therefor, appoint associate deputies. The deputies who are appointed by the comptroller shall, to the extent that the comptroller shall delegate the same, have the comptroller's powers and duties. Such appointment and delegation of duties shall be in writing and filed in the office of county clerk. The comptroller's office shall be headed by an independently elected comptroller, who shall organize it into (1) a division of internal audit, (2) a division of accounting, and (3) a division of investment and cash management.

Amended by Local Law No. 8-1988.

Amended by Local Law No. 4-1985.

Section 12.04 Bond of comptroller. The comptroller and his deputies shall each give a surety bond to the county in a sum fixed by the county legislature conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

Section 12.05 Financial reporting. In addition to the financial reports required by paragraph i. of section twelve hundred two of article XII of the county charter, the comptroller shall also provide such other information as the county executive may request or the county legislature by

resolution may direct.

Amended by Local Law No. 8-1988.

NEW section 12.05 Added by Local Law No. 4-1985.

Former section 12.05 renumbered as section 12.06 by Local Law No. 4-1985.

Section 12.06 Depository undertakings. a. Each depository designated by the county executive, pursuant to subsection g of section 3.02 of the county charter, shall, for the benefit of the security of the county and before receiving any such deposit, give to the county a good and sufficient undertaking, approved as to sufficiency of surety by the county executive and as to form by the county attorney. The undertaking shall specify the amount which such comptroller shall be authorized to have on deposit at any one time with such depository, and shall provide (1) that such depository shall faithfully keep or pay over, on the order or warrant of such comptroller or other lawful authority, such deposits and the agreed interest thereon, and (2) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by such comptroller with such depository. The comptroller may increase the amount which any such depository is authorized to have on deposit at any one time and require additional undertaking therefor. Each such undertaking shall be filed by the comptroller in the office of the county clerk.

b. In lieu of such undertaking, a depository may execute its own undertaking in such form and upon such conditions as may be prescribed by law, and as collateral thereto shall deposit with the comptroller outstanding unmatured bonds or other obligations of the United States of America, state of New York, or any county, town, city, village, or school district in the state of New York authorized to be issued by law in the face amount of all times at least equal to the amount on deposit less the amount certified by the depository as covered by insurance under the federal deposit insurance act. The collateral shall be approved as to amount and sufficiency by the comptroller accepting the same. The depository shall deposit with the comptroller an assignment in blank of such collateral. The comptroller shall deliver a certificate of deposit containing a description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of and depository and the consequent necessity to complete the assignment in blank, the comptroller shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The comptroller may from time to time require the depository to increase the amount of securities deposited and may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Upon the withdrawal of all moneys from any depository and the closing and settlement of the account thereof, the comptroller may require the surrender of the certificate of deposit and thereupon shall return the securities so deposited as collateral. Whenever in the judgement of the comptroller it appears that additional facilities for the safeguarding of the securities deposited with him are essential, such comptroller may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a county charge. The depository, with the consent of the comptroller, may deposit such securities in a safe deposit box maintained by the depository under the joint control of the depository and the comptroller, or if such depository has and maintains a separate trust department, may with the consent deliver such securities to said trust department, may with like consent deposit securities in escrow in the trust department of any other bank within the state to be held by it subject to the joint order of the depository and the comptroller, and all expenses in connection therewith shall be borne by the depository.

The comptroller shall not be liable for the loss of public funds of the county by reason of the default or insolvency of a designated depository, provided such funds have been deposited in

accordance with the provisions of this section. In the event that securities have been deposited as provided in paragraph b. of this section, the comptroller shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

NEW section 12.06 Added by Local Law No. 8-1988.

Former section 12.06 renumbered as section 12.07 by Local Law No. 8-1988.

Section 12.07 Seal. a. The seal of the comptroller shall consist of two circles, one within the other, with the words "COMPTROLLER-ERIE COUNTY, NEW YORK," around the outer circumference of the inner circle and in the center of the inner circle the word "SEAL."

b. The following design is hereby adopted as the official and standard design of such seal:



c. The comptroller shall affix or imprint such seal upon any and all instruments requiring the same.

Former section 12.06 renumbered as section 12.07 by Local Law No. 8-1988.

### **ARTICLE 13 COUNTY CLERK**

Section	13.01	Election.
	13.02	Powers and duties.
	13.03	Deputy county clerks.
	13.04	Accounting for fees.
	13.05	Bond of county clerk.
	13.06	Seal.

Section 13.01 Election.

Section 13.02 Powers and duties. The county clerk shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by law not inconsistent with the county charter or this code, and directed by the county executive.

Section 13.03 Deputy county clerks. The county clerk may, within the appropriations provided therefor, appoint to serve at his pleasure such deputy county clerks as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed and recorded in his office. The county clerk shall designate in writing filed and recorded in his office the order in which such deputy county clerks shall have and exercise the powers and duties of the county clerk during the temporary absence or inability of the county clerk to act. The deputy first named on such writing shall in case of a vacancy in the office of the county clerk perform the duties of the county clerk until a successor is elected or appointed and has qualified.

Section 13.04 Accounting for fees. All moneys to which the county may be entitled under and by virtue of the laws of the state of New York, or which the county clerk may receive for all and any official services by him, or by any of his assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such clerk, accounted for and paid over within five days after the first day of each and every month to the commissioner of finance. Said county clerk shall make a full and true statement for each calendar month of all moneys received each day by him, his deputies, officers or employees in his or their official capacity and shall transmit and deliver such statements to the commissioner of finance and the comptroller within five days after the expiration of such month. Each statement shall have attached thereto a certification by said county clerk to the effect that the same is in all respects a full and true statement of all moneys received by him as herein required. At the time of rendering any such statement, such clerk shall pay to the commissioner of finance for the benefit of said county the whole amount or the balance of the moneys received by him since making the last preceding monthly report. Other funds or fees collected, by the county clerk shall be collected, paid over, deposited and reported in accordance with the law applicable thereto.

Section 13.05 Bond of county clerk. The county clerk and such of his deputies, officers and employees as the county legislature shall require shall give a surety bond to the county in a sum to be fixed by the county legislature conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

Section 13.06 Seal. a. The seal of the county of Erie shall be the seal of the county clerk and register.

b. The county clerk shall affix or imprint such seal upon any and all instruments requiring the same.

## **ARTICLE 14 DISTRICT ATTORNEY**

Section	14.01	Election.
	14.02	Powers and duties.
	14.03	Assistant district attorneys.
	14.04	Bond of district attorney.

Section 14.01 Election.

Section 14.02 Powers and duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by law, not inconsistent with the county charter or this code, and directed by the county executive.

Section 14.03 Assistant district attorneys. The district attorney may appoint such number of assistants as shall be fixed and determined by resolution of the county legislature. Every such appointment shall be in writing filed and recorded in the office of the county clerk. Any such appointment may be revoked by the district attorney at any time by filing and recording a written revocation in the office of the county clerk. All of the persons so appointed shall be called assistant district attorneys and shall receive such salary as shall be fixed and determined by the county legislature. The district attorney shall designate in the writing appointment such



assistants, the salary which each of such assistants shall receive, subject, however, to the limitations provided by the resolution of the county legislature. Said assistants shall severally take the constitutional oath of office before entering upon their duties. The district attorney may designate, in writing, filed and recorded in the office of the county clerk, the order in which such assistants shall exercise the powers and duties of the office in the event of the absence or inability of such district attorney to perform the duties of his office. Such designation may be revoked or changed by the district attorney in writing filed and recorded in the office of the county clerk.

Section 14.04 Bond of district attorney. The district attorney and such of his assistants as the county legislature shall require shall each give a surety bond to the county in a sum to be fixed by the county legislature, conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

## **ARTICLE 15 SHERIFF**

Section	15.01	Election.
	15.02	Powers and duties.
	15.03	Appointment of undersheriff and staff.
	15.04	Emergency provisions.
	15.05	Disbursements.
	15.06	Board and lodging for jurors.
	15.07	Bond of sheriff.

Section 15.01 Election.

Section 15.02 Powers and duties. The sheriff shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such additional and related duties as may be prescribed by law, not inconsistent with the county charter or this code, and directed by the county executive.

Section 15.03 Appointment of undersheriff and staff. a. The sheriff shall appoint an undersheriff and may appoint such deputies, other clerks and employees within the limits of the appropriations therefor, as he deems necessary for the conduct of his office. Such deputies shall attend upon the terms and sittings of the supreme court and of the county courts in the county and perform such other duties as the sheriff may direct.

b. The undersheriff shall execute the powers and duties of the office in the absence or inability of the sheriff to act and in the event a vacancy occurs in the office of the sheriff, the undersheriff shall execute the said powers and duties until a new sheriff has been elected or appointed and has qualified.

c. The sheriff may appoint, within the appropriations provided therefor, a jailer, matron, chaplains, physicians, guards, keepers, clerks and other employees of the county jail. The matron shall have sole charge of the female prisoners and of that portion of the jail in which female prisoners are detained, subject to the direction of the sheriff or jailer. A matron shall be in

attendance at all times when females are confined in the jail.

d. The sheriff or undersheriff may deputize any person to do particular acts.

e. Each appointment or revocation thereof made pursuant to this article shall be in writing and filed in the office of the county clerk. All the persons appointed pursuant to this article shall serve during the pleasure of the sheriff.

f. Before the appointment by the sheriff of any person as an undersheriff or a deputy, other than a person deputized to do particular acts, such person shall be fingerprinted by the sheriff and the sheriff shall cause such fingerprints to be compared with fingerprints filed with the division of criminal identification of the state department of correction and the federal bureau of investigation.

g. The sheriff may, within the limits of the appropriations provided therefor, employ such number of part time deputies, who shall be paid such compensation as the county legislature may determine. Such deputies shall be appointed in the same manner as regular deputies and shall have only those duties and powers authorized by the sheriff.

h. The sheriff may in his discretion deputize the peace officers of cities, towns and villages within the county and agents of societies incorporated for the purpose of prevention of cruelty to animals, for the purpose of authorizing arrest without a warrant outside the territorial limits of such city, town or village when such crime or infraction was committed within such territorial limits in the presence of such peace officer or agent. Such peace officer or agent shall not be deemed an officer, agent, servant or employee of the county.

Section 15.04 Emergency provisions. a. For the protection of human life and property during an emergency, the sheriff may deputize orally or in writing such number of additional special deputies as he deems necessary. If he is unable to continue the services of such special deputies without compensation, he may pay the compensation of any such special deputies in such amount as the county legislature may determine for each day any such special deputy is actually engaged in assisting him in the performance of his duties. If the county legislature shall fail to fix the compensation of such special deputies, the sheriff may fix such compensation at not exceeding ten dollars (\$10) per day for each such special deputy. The compensation of any special deputy so appointed shall be audited and paid as a county charge.

b. If, in the protection of human life and property, the sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may hire the same during the period of an emergency or catastrophe at a reasonable charge therefor. The same shall be audited and paid as a county charge.

c. The county legislature shall have power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of a sheriff in an emergency or catastrophe for services and expenses of special deputies and for the hiring of equipment and apparatus and the operator thereof. The county executive may authorize the sheriff to issue orders on the commissioner of finance for the payment thereof. The county executive may further direct the rendering by the sheriff to the comptroller and commissioner of finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the sheriff shall be jointly and severally liable for any items of expenditure for other than a lawful county purpose and disallowed upon a final audit. Such expenditure so disallowed shall be recovered in an action brought in the name of the county.

Section 15.05 Disbursements. Whenever the sheriff is required by law to transport a prisoner or any other person and the cost of such travel and transportation is made a county charge by law, the sheriff or person deputized by him shall, within the appropriations provided

therefor, be entitled to his actual disbursements incurred for travel, lodging and food.

Section 15.06 Board and lodging for jurors. Whenever it shall be necessary to keep together the members of a jury, during their deliberations, the court may direct the sheriff to furnish specified meals and/or lodging to such jury. The claim for expenses thereof shall be presented to the commissioner of finance, which claims must bear the approval of the sheriff, undersheriff or other person designated by the sheriff to approve the same and of the judge, court or clerk of the court for which the said jury was chosen and shall be paid as other county expenses are paid.

Section 15.07 Bond of sheriff. The sheriff, undersheriff and such of his deputies and employees as the county executive shall require shall each give a surety bond to the county in a sum to be fixed by the county legislature conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to sufficiency of surety by the county executive and filed in the office of the county clerk.

## **ARTICLE 16 OTHER COUNTY BOARDS, OFFICES, INSTITUTIONS AND FUNCTIONS**

Section	16.01	Board of elections.
	16.02	Erie county medical center; board of managers; chief executive officer; treasurer.
	16.03	<b>REPEALED.</b>
	16.04	<b>REPEALED.</b>
	16.05	<b>REPEALED.</b>
	16.06	Probation department; director.
	16.07	Other boards.
	16.08	Additional appointments by county executive.
	16.09	Miscellaneous administrative functions.

Section 16.01 Board of elections. a. The board of elections shall have and exercise all the powers and duties conferred or imposed upon it by the election law or any other applicable law.

b. The appointment of the members of such board shall be provided by the election law.

c. Any person who shall become a candidate for elective public office shall be disqualified during the period of his candidacy from appointment or continued employment as an employee of the board of elections. The period of his candidacy shall be deemed to commence with the filing with the board of elections of a nominating or designating petition in furtherance of his candidacy unless he shall promptly file with the board a written declination of candidacy. The term "elective public office" shall not be deemed to include any political party office or position. The term "employment" shall include periods of leave of absence and sick time, and shall not encompass periods of paid vacation or compensatory time where the employee has submitted his resignation effective as the last day of such paid vacation or compensatory time or combination thereof.

d. The board of elections shall have the power, without public advertisement for bids, to make all purchases of and contracts for all primary or election supplies and services necessary for the operation of its office and the performance of its duties.

NEW subsection d. Added by Local Law No. 9-1973. Former subsection d. **REPEALED** by Local Law No. 9-1973.

Section 16.02 Erie County Medical Center; Board of Managers; Chief Executive Officer; Treasurer. The Erie County Medical Center board of managers shall have and exercise all the powers and duties of a board of managers of a public general hospital under New York statutes not inconsistent with the provisions of Section 1602 of the Erie County Charter, and shall also have and exercise those powers and duties conferred or imposed by the county charter, this code and subsequent local law of the county legislature. The Erie County Medical Center chief executive officer shall have and exercise all powers and duties of a hospital superintendent of a public general hospital under New York statutes not inconsistent with the provisions of Section 1602 of the Erie County Charter, and shall also have and exercise those powers and duties conferred or imposed by the county charter, this code and by subsequent local law of the Erie county legislature. The Erie County Medical Center treasurer shall have and exercise all the powers and duties of a treasurer of a public general hospital under New York statutes not inconsistent with the provisions of Section 1602 of the Erie county charter, this code, and by subsequent local law of the Erie county legislature. The administrator of the Erie county home and infirmary shall be appointed by the board of managers of the Erie county medical center and shall have and exercise the powers and duties of an administrator of a nursing home under the statutes of the state of New York not inconsistent with the provisions of section 1602 of the Erie county charter, this code, or subsequent local law of the county legislature.

NEW section 16.02 Amended by Local Law No. 7-1995.

NEW section 16.02 Added by Local Law No. 9-1988. Former section 16.02 **REPEALED** by Local Law No. 9-1988.

NEW section 16.02 Added by Local Law No. 2-1985. Former section 16.02 **REPEALED** by Local Law No. 2-1985.

Former section 16.02 Amended by Local Law 9-1982.

Section 16.03 **REPEALED** by Local Law No. 8-1989.

Section 16.03b Amended by Local Law No. 4-1961.

Section 16.04 **REPEALED** by Local Law No. 5-1967.

Section 16.05 **REPEALED** by Local Law No. 2-1964.

Section 16.06. Department of Probation and Youth Detention; director. The Department of Probation and Youth Detention shall be headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The director shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, or by any other applicable law, not inconsistent with the county charter or this code. The director shall appoint, to serve at his pleasure, a deputy director of the Probation Division and a deputy director for the Youth Detention Division.

a. Probation Division. The Probation Division shall be headed by a deputy director of probation who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The deputy director of probation shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive and/or the director of probation and youth detention, by article twelve-A of the executive law as head of a county probation department, and by any other applicable section thereof or by any other applicable law, not inconsistent with the county charter or this code.

b. Youth Detention Division. The Youth Detention Division shall be headed by a deputy director of youth detention who shall be appointed on the basis of his experience and his qualifications for the duties of his office. The deputy director shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive and/or the director of probation and youth detention, or by any other applicable law, not inconsistent with the county charter or this code.

Amended by Local Law No. 6-2001.

Amended by Local Law No. 2-1987.

Section 16.07 Other boards. a. The terms of office of the incumbent members of the alcoholic beverage control board, the board of trustees of the Buffalo and Erie county public library, the board of trustees of the Erie county technical institute, the fire advisory board and the vocational education and extension board shall continue for the periods for which such members have been appointed. b. The terms of office of the members of the board of health, and of the members of any other board, which board pursuant to the county charter, is succeeded by an advisory board, shall end December thirty-first, nineteen hundred sixty.

Section 16.08 Additional appointments by county executive. a. The Erie county office of natural disaster and civil defense shall be headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, by local law, by the New York state defense emergency act, being chapter seven hundred eighty-four of the laws of nineteen hundred fifty-one, as amended, and by any other applicable law not inconsistent with the county charter or this code. \* Caption of Local Law No. 4-1978 indicates that section 16.08a was intended to be repealed thereby. Although there is no repeal in the body of the law, this section was superseded by new subsection 9.01-4 and section 9.07 of article 9. NEW section 16.08 Added by Local Law No. 16-1973. Former section 16.08 REPEALED by Local Law No. 16-1973.

b. REPEALED by Local Law No. 2-1964.

c. The county executive shall appoint, as county historian, a resident of Erie county who shall have demonstrated an interest in and an ability to record historical records and events.

d. The county veteranso service office shall be headed by a veteranso service officer who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have the duties imposed upon him by the county charter, by this code, by order or direction of the county executive, by local law, by section eight hundred of the county law, and any other applicable section thereof, or any other applicable law not inconsistent with the county charter or this code.

e. The superintendent of the Erie county correctional facility shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have

and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code, by order or direction of the sheriff, by local law, by chapter seven hundred thirteen of the laws of nineteen hundred forty-six or by any other applicable law not inconsistent with the county charter or this code.

Amended by Local Law No. 5-2000.

Added by Local Law No. 18-1973.

**REPEALED** by Local Law No. 18-1973.

Subsection f. Deleted by Local Law No. 8-1972.

Section 16.09 Miscellaneous administrative functions.

Former section 16.11 added by Local Law No. 9-1989, **REPEALED** by Local Law No. 7-1995

## **ARTICLE 17 SERVICE RELATIONSHIPS WITH LOCAL MUNICIPALITIES**

Section	1701.	Local government functions, facilities and powers not transferred, altered or impaired.
	1702.	Contracts with public corporations.

Section 1701. Local government functions, facilities and powers not transferred, altered or impaired. This charter shall not transfer, alter or impair any function, facility or power of any city, town, village, school district or other district.

Section 1702. Contracts with public corporations. The county of Erie shall have power to contract with any municipality or public authority situated within or adjacent to the county, or with any combination of such municipalities or public authorities, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. A municipality or authority receiving the benefit of a facility or service provided under any such contract shall bear all the costs and expenses occasioned by the provision thereof for such municipality or authority, including but limited to a just proportional charge for central facilities and central or administrative services related thereto.

## **ARTICLE 18 FINANCIAL PROCEDURES**

Section	18.01	Fiscal year.
	18.02	Preparation of proposed tentative operation and maintenance budget.
	18.03	Preparation of proposed tentative capital budget and program.
	18.04	Tentative budget and capital program.
	18.05	Budget controls.
	18.06	Contingent fund.

18.07 Departmental and administrative unit accounting responsibilities.

Section 18.01 Fiscal year. The fiscal year of the county shall be as provided in the charter.

Section 18.02 Preparation of proposed tentative operation and maintenance budget. a. Submission of estimates and appropriation requests. On or before the fifteenth day of September in each year, or such earlier date as the budget director may prescribe, the head of each administrative unit or authorized agency shall furnish to the budget director an estimate of revenues and expenditures of his respective administrative unit or authorized agency for the next ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified by functions and activities. Estimates shall be submitted in such form and shall contain such additional information as the budget director shall prescribe; provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation.

b. The budget director annually, not less than twenty days prior to the date fixed pursuant to paragraph a. of this section, shall notify in writing the head of each administrative unit, and of each authorized agency receiving county funds pursuant to contract or otherwise during the current fiscal year, of (1) the date fixed pursuant to said paragraph a. and (2) the form and information to be contained in such estimate and request.

c. In the event that the head of any administrative unit fails to submit an estimate by the date specified, the budget director shall forthwith prepare such estimate.

d. The budget director, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation and conduct such hearings thereon as he may deem necessary. He may require the head of each administrative unit or any officer or employee thereof and any authorized agency requesting county funds to furnish data and information and answer inquiries pertinent to such review or investigation.

e. Upon the completion of the review and investigation of the estimates and requests from the various administrative units and authorized agencies, the budget director shall prepare and submit to the county executive a proposed tentative operation and maintenance budget setting forth the budget director's estimate of expenditures and revenues of the county for the next ensuing fiscal year showing a comparison with (1) the corresponding actual expenditures and revenues in the last completed fiscal year, (2) the corresponding budget items of expenditure and revenue for the current fiscal year adjusted for transfers and changes in appropriations, if any, and (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies.

Section 18.03 Preparation of proposed tentative capital budget and program. a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative units shall furnish to the budget director and to the commissioner of environment and planning a description, justification and estimate for each physical public improvement of works, hereinafter called capital project, which is proposed for development during one or more of the ensuing six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; estimated costs for planning, site of right-of-way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director and commissioner of environment and planning may deem advisable.

b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, the finance commissioner, the planning director, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county legislature; the chairman, the chairman of the capital improvements committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county legislature and no members of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chairman and the budget director shall be the vice-chairman of this committee.

c. Upon receiving a capital project request, the commissioner of environment and planning shall study the same with special references to comprehensive plans for the county and for any affected municipality therein.

The commissioner shall promptly forward any such comments and recommendations regarding the proposed project to the budget director who shall submit the same, together with his own comments and recommendations to the capital projects committee and the development coordination board. The capital projects committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between April fifteen and September fifteen at least twice, and as more often as may be required at the call of the chairman or vice-chairman.

d. The development coordination board shall make such recommendations to the county executive in regard to the scope of the capital program, the relative priorities of proposed projects and suggested means of financing as its membership may determine. At the request of the county executive, joint meetings of the capital projects committee and the development coordination board shall be held.

e. The budget director and deputy commissioner of environment and planning shall assist the development coordination board by presenting and explaining all capital project requests and shall furnish all relevant exhibits and information. The department of environment and planning shall also assist in the preparation of the capital improvement program report and all related information.

f. Proposed capital program. On or before the fifteenth day of September the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.

g. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges of previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances.

Section 18.03 Amended by Local Law No. 11-1989.

Section 18.03 Amended by Local Law No. 6-1981.



Section 18.04 Tentative budget and capital program. a. Budget preparation and general scope. The county executive shall review the tentative proposed operation and maintenance budget and the proposed tentative capital budget as submitted by the budget director, together with any other anticipated items of county expenditures or revenue, and shall prepare the tentative budget of the county for the ensuing fiscal year for both current operating and capital purposes. Such budget shall be in such form as the county executive may deem advisable and shall show in parallel columns the following comparative information: (1) actual expenditures and revenues for the last completed fiscal year; (2) the budgeted expenditures and revenues for the current fiscal year, reflecting transfers and supplemental appropriations; (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various departments, other administrative units and authorized agencies, and (4) the county executive's recommendations and estimates as to expenditures and revenues for the ensuing fiscal year. In addition to items of operation and maintenance, the tentative budget shall include or be supplemented by: all items of capital project expense for which the county is already liable or which the county executive recommends be undertaken in the ensuing fiscal year; other items as set forth in paragraphs b. and c. of this section; and a statement showing the bonded and other indebtedness of the county government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds, and the borrowing capacity of the county.

b. Recommended expenditures. The recommendations for expenditure in the tentative budget shall be classified by administrative units or special funds, shall show the character and object of expenditure, and shall contain (1) an estimate of the several amounts which the county executive deems necessary in the ensuing fiscal year for conducting the business of the county for each administrative unit thereof, separately stated and for other county purposes and charges, classified to show separately; (i) the ordinary recurring expense of the operation and maintenance of the county government, and (ii) any extraordinary or non-recurring expense to be financed from current revenue; (2) an estimate of the general contingent fund which the county executive recommends be provided for unanticipated or emergency county purposes or charges; (3) a statement of the several amounts recommended by the county executive for appropriation to the reserve funds and sinking funds, if any; (4) a statement of the amount required to pay the interest on and amortization of or redemption of indebtedness of the county becoming due in the ensuing fiscal year; (5) an estimate of the amount to be paid to school districts on account of unpaid school taxes to be returned to the county during such year; and (6) the amount of any judgement recovered against the county and payable during the fiscal year and for which no bonds have been or will be issued.

c. Estimated revenues. The estimates of revenue in the tentative budget shall be classified by accounts and administrative units, shall show the sources of income and shall contain (1) a statement of all revenues which it is estimated will be received by the county during the ensuing fiscal year, except from county taxes to be levied; (2) a statement of all unexpended balances, if any, at the end of the last preceding completed fiscal year which are available to meet the expenditure requirements of the ensuing fiscal year; (3) an estimate of the anticipated receipts from delinquent taxes, which shall not exceed the amount received in cash from delinquent taxes during the last four months of the last preceding fiscal year and the first eight months of the current fiscal year, provided that delinquent taxes shall include the proceeds of: (i) the collection

of all taxes levied or relieved by the county legislature for any year preceding the current fiscal year, together with interest and penalties thereon, (ii) the sale of property sold for such taxes, and (iii) the redemption of property sold for such taxes and bid in by the county, but shall not include the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied; (4) a statement as to the amounts, if any, from the capital reserve fund and/or sinking funds available for down payments, other current capital payments or debt service during the ensuing fiscal year; and (5) a statement of the estimated net county tax requirements, determined by subtracting the total estimated revenues, other than taxes to be levied, from the total recommended expenditures for the ensuing fiscal year in accordance with the provisions of section eighteen hundred four of article XVIII of the charter.

d. Moneys received by the county but required by law to be paid to the state or the units of government within the county shall not be included in the expenditures and revenues anticipated in the budget, provided, however, that this shall not apply to moneys advanced to local governmental units within the county on account of delinquent taxes.

e. Capital program. The county executive shall review the proposed capital program as prepared by the budget director. He shall after making such changes as he may deem advisable, arrange it so as to set forth clearly: (1) as to each pending capital project: the amount of all liabilities outstanding, the unencumbered balances of authorizations and the estimated additional appropriations required for its completion; (2) as to each new capital project recommended: the year in which it is recommended to be undertaken and the estimated cost; (3) as to each pending or recommended project: a brief description, the estimated date of completion, the amount of liabilities estimated to be incurred in each year to completion, the estimated useful life in years, the amounts, nature and terms of obligations recommended to be authorized, and the estimated annual operating and maintenance charges such project will entail; (4) any recommendations that a pending project be modified or abandoned or further authorization therefor postponed; and (5) any other information that the county executive may deem advisable.

f. Submission to county legislature; county executive's message. On or before the 15th day of October the county executive shall submit the tentative budget (including both the operation and maintenance budget, and the capital budget) for the ensuing year, a two-year budget forecast for succeeding years and the capital program for the ensuing six (6) fiscal years, together with an accompanying message to the county legislature. Such legislature, after holding one or more public hearings thereon, shall proceed to consider the same and to adopt the budget in the manner provided in section eighteen hundred and three of article XVIII of the county charter. The county executive's message shall outline a fiscal policy for the county government, describing the important features of his tentative budget and capital program, containing a general summary of current and capital requirements for the ensuing fiscal year, and showing a balanced relation between total proposed expenditures and total anticipated revenues for the budget year as well as corresponding figures for the last completed fiscal year and the current year. The message shall contain such comments and recommendations as the county executive may deem advisable.

Subdivision f. Amended by Local Law No. 6-2005.

Former subdivision f. **REPEALED** by Local Law No. 5-1961.

g. Monthly report. The county executive, or his appointed director of budget and management, shall prepare a monthly report which shall include a summary of revenues and expenditures for the preceding month. The report shall be detailed as to the appropriations and funds in such manner as to show the current financial condition and financial future of the county by department and shall compare projected revenues and expenditures with actual and accrued revenues and expenditures. Monthly budget reports filed after the month of May shall include year-end forecasts. Monthly budget reports, containing comprehensive fiscal details set forth herein, shall be filed with the county legislature monthly, on or before the last calendar day of the subsequent calendar month.

New subdivision g. Added by Local Law No. 6-2005.

Former subdivision g. **REPEALED** by Local Law No. 5-1961.

h. Former subdivision h. renumbered as subdivision f. by Local Law No. 5-1961.

Section 1805 Budget controls. a. No county officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two-thirds vote of the county legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed.

Section 18.06 Contingent fund. The county legislature, by resolution, subject to veto by the county executive, may at any time appropriate all or any part of the moneys in the general contingent fund for general county purposes.

Section 18.07 Departmental and administrative unit accounting responsibilities. All county departments or other administrative units or subdivisions thereof, or other spending agencies shall be responsible for: the preparation of all accounting input as described by the county's

accounting manual; management of their operations with the appropriations provided therefore; review and analysis of accounting reports issued by the comptroller; and preparation of correcting entries, as required.

Added by Local Law No. 4-1985.

## **ARTICLE 19 GENERAL PROVISIONS**

Section	19.01	Advisory boards.
	19.02	Compensation of boards.
	19.03	Compensation of officers.
	19.04	Expenses.
	19.05	Validity of prior obligations.
	19.06	Pending actions and proceedings.
	19.07	Execution of contracts.
	19.08	Professional, technical or other consultant services.
	19.09	Construction contracts.

Section 19.01 Advisory boards. a. Except as otherwise provided in the charter or this code: (1) members of advisory boards shall be appointed for terms ending the thirty-first day of December; and (2) the county executive may designate the chairman of each such board at the time of the original appointments, and the chairman so designated shall hold office for the current calendar year; provided that if the county executive fails to designate a member to serve as the first chairman, the advisory board shall proceed to elect a chairman from among its members. Except as provided above, each advisory board shall annually on or before the first day of February, select a chairman and such officers as it may desire, for one year terms or until their successors are elected and qualified.

b. Each advisory board shall determine its own rules of procedure. A majority of the whole number of members of such board shall constitute a quorum. Unless otherwise provided in the rules of procedure, each such advisory board shall meet at the call of the chairman or of a quorum or of the county executive.

c. The county executive may designate quarters wherein advisory boards may meet at reasonable intervals.

d. The county executive may designate any officer or employee paid from county funds to attend the meeting of any such advisory board.

Section 19.02 Compensation of boards. No member of any board, by whatever name known, appointed pursuant to the charter or this code shall receive compensation for services performed in connection therewith.

Section 19.03 Compensation of officers. Any salary fixed by the county legislature of an officer paid from county funds shall be in lieu of all fees, percentages, emoluments or other form of compensation payable for services rendered in the performance of the powers and duties of the office; provided however, that any such officer (1) required by law to reside at a county institution or (2) authorized and directed by the county executive, may be furnished maintenance

or any part thereof at a county institution. Such maintenance shall be defined and the fair value thereof determined by resolution of the board and the amount so determined shall constitute part of the salary fixed for any such officer.

Section 19.04 Expenses. The actual and necessary expenses of all legislators, officers and employees paid from county funds incurred in the performance of powers and duties of the county shall be a county charge.

The county legislature may by resolution authorize the payment of a mileage allowance as fixed by said legislature for the expense of using an automobile privately-owned by the user thereof and operated by any legislator, officer or employee.

Whenever under the charter or this code, the appointment of a board or commission by whatever title known, is authorized, the actual and necessary expenses including mileage incurred in the performance of their duties shall be a county charge.

Section 19.05 Validity of prior obligations. The validity or legality of any bonds, notes, certificates of indebtedness or the method of payment thereof, heretofore authorized, issued or sold by the county shall not be affected or impaired by any of the provisions of the county charter or this code.

Section 19.06 Pending actions or proceedings. No action, suit or proceeding commenced before the effective date of the charter or this code shall be affected by the adoption thereof or by any of the provisions herein contained, but shall be continued as if the charter or this code had not taken effect.

Section 19.07 Execution of contracts. No contract shall be executed by the county executive on behalf of the county until the same has been approved as to form by the county attorney. A copy of each such contract when executed shall be filed with the commissioner of finance, comptroller and county legislature.

Section 19.08 Professional, technical or other consultant services. When a professional, technical or other consultant service contract has a value in gross of ten thousand dollars (\$10,000) or more, the head of a department or administrative unit shall distribute to responsible persons able to provide the required special skill or service, (for the purposes of this section, persons, including the singular of that term, shall include individuals, firms, partnerships and corporations), a request for a proposal (RFP). The RFP shall contain all information, including any particular or unique specifications required, necessary to adequately inform the potential contractor of the special skill or service required by the county and shall afford the potential contractor an opportunity to submit a response to the RFP outlining his qualifications, expertise, experience, past experience with the county, if any, and the total estimated cost, or rate, for providing the special service or skill required. Necessary information shall include the name, title and department of any employee or officer who was a county employee or officer one year prior to the date of the potential contractor's response.

Upon receipt of responses to the RFP, a three member committee shall be formed by the department head or administrative unit head, and the members of this committee shall preliminarily review and evaluate the responses. This committee shall prepare in writing and shall submit a comparison of all the persons who responded showing (a) what special skill or service will be provided; (b) the qualifications of the person; (c) the expertise of the person and the quality of any past experience that person has had with the county; (d) the total estimated cost, or rate, for providing the special service or skill; and (e) the person shall disclose the name, title and department of any employee or officer of his who was a county employee or officer one

year prior to the date of his response. The head of the department or administrative unit shall submit such evaluation with his recommendation to the Erie county legislature.

The head of the department or administrative unit shall in writing represent to the legislature that, if he uses as a pre-qualified list for prospective suppliers of professional, technical or other consultant services, he has published or otherwise made known to the community at large that his department or administrative unit uses such a pre-qualified list and that, if a potential contractor wishes to be considered by the county for such services, he should submit necessary information as to what type of service he provides so his name will be added to the list. If the department or administrative head does not use a pre-qualified list, then he shall in writing represent to the legislature that he published or otherwise made known to the community at large on a regular basis the fact that his department from time to time requires certain professional, technical or other consultant services and, if a potential contractor is interested in providing such services to the county that he contact the head of the department or administrative unit with necessary information as to what type of service he provides.

This provision shall in no event mandate a department head or administrative unit head to recommend or the county legislature to award such contracts to the lowest bidder or any bidder. This provision, moreover, shall not prohibit the county legislature from approving a contract with a qualified minority person, as defined in the countyos minority business enterprise local law, who provides a special service or skill required by the county whether or not this informal procedure has been followed.

Notwithstanding this provision, if the county legislature makes a finding of necessity that the special service or skill must be provided immediately, or, in the case of doctors, dentists or ministers, makes a determination that this procedure is impracticable, then it may by resolution waive this procedure.

Section 19.08 Added by Local Law No. 6-1983.

Section 19.09 Construction contracts. Prior to bidding on a construction contract to be let by the county of Erie, the bidder shall certify in writing to the Erie County legislature that (1) it is a participant in a bona fide apprenticeship training program approved by New York State and, which meets the standards contained in section two hundred twenty of the New York State Labor Law, (2) it is a participant in an established pension plan solely paid for by the bidder and/or other employers, for the employees who will perform the work, according to the standards of section two hundred twenty of the New York State Labor Law, (3) it is a participant in an established health and welfare plan solely paid by the bidder and/or other employers for the employees who will perform the work, according to the standards of section two hundred twenty of the New York State Labor Law and, (4) it pays prevailing wages according to the standards of section two hundred twenty of the New York State Labor Law.

Added by Local Law No. 5-1990..

## **ARTICLE 20 CODE APPLICATION, AMENDMENT AND CONSTRUCTION**

Section	20.01	Amendment.
Section	20.02	Continuity of authority and responsibility.
Section	20.03	Separability.
Section	20.04	Code to be liberally construed.
Section	20.05	Judicial notice.
Section	20.06	Effective date.

Section 20.01 Amendment. This code may be amended by local law adopted in the manner prescribed by section 2.03 of article 2 of this code. All such amendments shall be consistent with the county charter.

Section 20.02 Continuity of authority and responsibility. The performance of functions pursuant to the provisions of this code shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this code may be conducted and completed by the county officer or administrative unit responsible therefor under this code or the county charter.

Section 20.03 Separability. If any clause, sentence, paragraph, section or article of this code shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 20.04 Code to be liberally construed. This code shall be liberally construed to effectuate its objectives and purposes.

Section 20.05 Judicial notice. All courts shall take judicial notice of all provisions of this code and all local laws, acts, resolutions, rules, regulations and ordinances adopted pursuant to the county charter or this code.

Section 20.06 Effective date. This code shall take effect January first, nineteen hundred sixty-one.

Code generally amended by Local Law No. 1-1967,

Effective March 28, 1967 to submit words "county legislature" for "board of supervisors."