

LOCAL LAW No. 3 - 1971

A local law to amend the Erie county charter in relation to establishing an Erie county environmental management council.

Became a law with the approval of the county executive, April 2, 1971. Passed by the local legislative body of the county of Erie. Filed in the office of the secretary of state April 6, 1971.

*Be it enacted by the legislature of the county of Erie as follows:*

Section 1. The Erie county charter is hereby amended by adding thereto a new article to be article sixteen-A, to read as follows:

ARTICLE 16A

ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

§ 1620. Declaration of policy. The legislature hereby finds and declares that the management and conservation of our environment is essential to the health and wellbeing of the people of the county. Local understanding of the importance of all aspects of the environment is necessary for the most wise and balanced use of our natural resources. Local and inter-municipal participation is imperative in the planning and control of the county and the natural and functional beauty of its surroundings.

The legislature, therefore, deems it in the best interest of the county that a county environmental management council be responsible for reviewing and advising local and state government on present and proposed methods and plans for preserving, enhancing, and using the environment for the protection and benefit of all the people, and for fostering unified action on environmental problems among local governments and among public and private agencies and organizations operative within the county.

§ 1621. Establishment of the Erie county environmental management council; membership. There is hereby established, pursuant to article nineteen of the Conservation Law and the Municipal Home Rule Law, a county environmental management council, to be known as the Erie county environmental management council, hereinafter called the council. The council shall be appointed by the county executive, subject to the confirmation by the legislature, and shall consist of twelve (12) members at large and one (1) member recommended to the county executive by and from each town or city environmental or conservation management council established by the official governing body of such town or city. The term of all members shall be two (2) years, except that of the twelve (12) at large members first appointed six (6) shall be appointed for a term of one (1) year and six (6) for a term of two (2) years. Vacancies on the council shall be filled in the same manner as the original appointment except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term. In addition, the commissioner of health, the commissioner of planning, the commissioner of public works, and the county attorney shall be ex officio voting members of the council.

The county executive shall appoint one (1) member of the council as chairman thereof. The council shall meet at least four (4) times each year. The council shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file the annual report and plan as provided in section sixteen hundred twenty-two of this law.

§ 1622. Powers, duties, and functions of the council. The council shall review the state of the county environment as a whole, and shall present a preliminary report of its findings to the county executive and the legislature on or before September first, nineteen hundred seventy-one and a full report annually thereafter. The council shall cooperate with the planning commissioner in annually preparing a plan for the protection of the county's environment and the management of its natural resources, and shall transmit it to the county executive and the legislature. The council shall investigate and recommend to the county executive and the legislature ecologically sound methods of planning the use of the county's resources.

The council shall investigate all of the operations of county government in its various departments with respect to the environment and ecology of the county, analyze such investigation, and within three (3) months after its creation report to the county executive and the legislature the feasibility and the advisability of creating in the county of Erie a department of environmental conservation to which all of the presently scattered activities with respect to the environment and ecology would be transferred for administration in a manner similar to that of the New York State department of environmental conservation.

The council shall prepare and keep current an index of all open areas within the county, including but not limited to those open land areas, scenic and natural features, natural areas, shorelines, marshlands, swamps, and other wetlands in the county and including such lands owned by any municipality within the county, for the purpose of obtaining information pertinent to the preservation, enhancement, and use of such areas. The council may recommend to the county executive and legislature a program for the protection, preservation, and use of such areas.

The council shall advise and make recommendations to the county executive and the legislature as they may direct or as may be deemed appropriate on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the county insofar as they have a bearing on environmental quality and on the effects of man's activities and development on environmental quality.

The council shall develop, recommend, and assist in the conduct of a program of public information in the county which shall be designed to increase understanding of the environmental problems and issues and to foster support for their solutions.

The council shall develop, recommend, and assist in the conduct of a program to improve the coordination and effectiveness of public and private projects and activities in the county in accord with the purposes of this law, working in cooperation with the environmental or conservation commissions in the cities, towns, and villages within the county and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action.

The council shall maintain liaison with local and regional planning agencies, regional water resources planning and development boards, environmental management councils or their equivalents in counties adjacent to the county of Erie, and other such public and private regional bodies in the United States and Canada affecting the conservation of environmental quality, with the purpose of improving coordination of planning and activities.

To assist in carrying out the aforementioned functions the council may:

(a) Conduct or recommend studies, surveys, and inventories as are in accord with the general purposes of this law, and do so with appropriate coordination with existing or prospective work of a similar nature performed by federal, state, county, municipal, or private agencies and organizations.

(b) Cooperate with and assist such other governmental or non-governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county executive or legislature may direct.

(c) Advertise, prepare, print, and distribute books, maps, charts, and pamphlets if in its judgment and within appropriations therefor it deems them necessary for its work.

(d) Hold public and private hearings for specified purposes in accord with the general purposes of this law.

(e) Report its findings to the county executive, county legislature, public and private agencies and organizations, and interested private citizens.

§ 1623. Compensation and expense. Unless otherwise provided by recommendation of the county executive and resolution of the legislature, the members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.

§ 1624. Effective date. This local law shall take effect immediately.