

LOCAL LAW NO. 18

LOCAL LAW INTRO. NO. 37 [Print #1]

1974

A LOCAL LAW amending Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, is hereby amended by REPEALING Article 16B thereof, and providing for a new Article 16B which establishes an Erie County Consumer Protection Committee.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

Section 1. Purpose of law.

Local Law No. 20 - 1973, which became effective December 14, 1973, established an Erie County Consumer Protection Committee and provided that the committee would have six (6) months from the date of enactment of the law to conduct a survey of all agencies and organizations which receive, investigate or act upon consumer complaints and report to the County Executive and the County Legislature, its findings as to the jurisdiction, responsibility, authority, mode of operation and efficacy of such agencies and organizations.

The said committee has been unable to complete this survey within the time limitation established and the purpose of instant local law is to provide an additional six (6) months from the date of enactment of instant law for this purpose.

Also, instant law alters a provision in §1632 of the Charter, to provide that vacancies on the committee occurring other than by expiration of term shall be filled within thirty (30) days.

Section 2. Repeal.

Erie County Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, is hereby amended by REPEALING Article 16B thereof in its entirety.

Section 3. New article.

Erie County Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, is amended to provide for a new Article 16B, which establishes an Erie County Consumer Protection Committee, to read as follows:

ARTICLE 16B

Erie County Consumer Protection Committee

- § 1630 Establishment, powers and duties.
- § 1631 The County Executive.
- § 1632 Membership.
- § 1633 Executive Director.
- § 1634 Effective date.

§ 1630. Establishment, powers and duties.

There is hereby created, the Erie County Consumer Protection Committee, hereinafter called the Committee. The Committee

1. Shall undertake activities to encourage business and industry within the County to maintain high standards of honesty and fair business practices, and to act responsibly in the production, promotion and sale of consumer goods and services, in the extension of credit and in the collection of consumer debts;
2. Shall investigate and analyze resources and services available to consumers within the departments of Erie County Government and programs funded by Erie County and shall recommend measures to coordinate, consolidate or expend these resources and services to provide maximum efficiency and effectiveness;
3. May conduct investigations, research, studies and analyses of matters affecting the interests of Erie County

consumers;

4. May obtain and assemble statistical data reflecting consumer and business trends, and incidence of consumer abuses;

5. Shall increase consumer awareness and competence through the development of educational programs emphasizing preventive education, the creation and distribution of publications, the use of communications media and a speakers bureau;

(a) may formulate and publicize a comprehensive program for the most efficient consumer utilization of the specialized resources of public agencies within the County and may encourage private organizations to formulate and publicize a comprehensive program for the most efficient consumer utilization of the specialized resources of private organizations within the County;

6. May represent consumer interests before administrative and regulatory agencies and legislative groups;

7. Shall assist, advise and cooperate with federal, state, county and local government agencies and public and private organizations to protect and promote the interests of the consumer;

(a) may foster a united consumer effort through communication and cooperation with private organizations and individuals in the County;

(b) may coordinate private and/or public efforts and encourage consumer support on particular issues, and may cooperate with and encourage similar state and national efforts;

8. Shall cooperate in the enforcement of federal, state and local laws, codes, rules and regulations for consumer protection, and may recommend amendments to or innovations in such laws, codes, rules and regulations including the creation of consumer forums;

(a) may cooperate with public agencies and private organizations in the development of standards and quality grades for consumer goods and services;

(b) may evaluate, the impact of new or amended federal, state or local consumer protection legislation codes, rules or regulations upon existing laws, codes, rules and regulations and may recommend to the proper legislative bodies or regulatory agencies, appropriate amendments;

(c) may study, analyze and conduct research on the operation of consumer laws, codes, rules and regulations in other jurisdictions.

9. Shall monitor the operation and progress of public and private agencies and organizations charged with the detection of consumer abuses and/or enforcement of consumer remedies;

(a) shall report to appropriate law enforcement and regulatory agencies, information concerning alleged suspected or ascertained violation of consumer protection laws, and fraudulent, deceitful or injurious business practices within the County;

(b) shall, within six (6) months from the date of enactment of this legislation, survey all agencies and organizations which receive, investigate or act upon consumer complaints and report to the County Executive and the County Legislature, its findings as to the jurisdiction, responsibility, authority, mode of operation and efficacy of such agencies and organizations;

(c) shall recommend how these agencies and organizations may be assisted in fulfilling their responsibilities, expectations or legal mandate. The Committee's recommendation

may include proposals for funding, making service contracts, expanding, reorganizing or establishing governmental units and foretaking any other measures designed to provide full consumer protection to the citizens of Erie County;

(d) upon the ascertainment of an area where the making of a recommendation to such an agency or organization is necessary, and consistent with existing laws, the Committee shall have the duty to execute the steps which will accomplish the goal of full consumer protection and shall be able to negotiate and contract directly with any agency, organization or individual for services which will accomplish the aforesaid goal;

10. Shall submit an annual report of its activities and recommendations to the County Executive and County Legislature, and may submit to the County Executive and County Legislature interim reports and recommendations.

11. Shall have a minimum of nine (9) public meetings each year at which meetings the business of the Committee shall be conducted.

12. May exercise and perform such other powers, duties and functions consistent with existing laws, which it deems necessary and appropriate to protect and promote the welfare of Erie County consumers.

§ 1631. The County Executive.

To effectuate the purpose of this Article, the County Executive shall require any County Department, Division, Board, Council, Committee or Agency to provide such facilities, assistance and data as will enable the Committee to properly effectuate its powers and duties.

§ 1632. Membership.

Membership. The Committee shall consist of nineteen (19) members, appointed by the County Executive and subject to

confirmation by the Legislature.

The members appointed by the County Executive pursuant to Local Law No. 20 for 1973 shall continue to serve as follows: the members appointed to serve terms ending December 31, 1974 shall continue to serve until December 31, 1974; the members appointed to serve terms ending December 31, 1975 shall continue to serve until December 31, 1975. Thereafter, all appointments shall be two (2) year terms.

The County Executive shall, after consultation with the Committee, fill any vacancy by appointment within thirty (30) days of the occurrence of said vacancy. Any vacancy occurring other than by membership term expiration shall be filled by the County Executive by appointment for the unexpired term.

The County Executive shall designate one (1) member to serve as Committee chairman. Upon the expiration of the term of membership of a chairman, or in the event of a vacancy occasioned other than by expiration of membership term in the office of chairman, the County Executive shall appoint a successor to that office from the Committee membership.

A member may resign by giving written notice to the County Executive and to the Committee's Executive Director.

The Committee shall promulgate such bylaws as are necessary to fulfill its responsibilities.

Pursuant to § 19.02 of the County Administrative Code, no member shall receive compensation for services rendered the Committee, but each member shall be reimbursed for actual and necessary expenses incurred in the performance of his duties.

§ 1633. Executive Director.

There is hereby created in the Office of the County Executive, an Executive Director of the Erie County Consumer

Protection Committee who shall be responsible to the Committee. Upon review of the Committee's recommendations regarding the selection of an Executive Director, the Executive Director shall be appointed by the County Executive. The Executive Director shall be responsible to the Committee for the administration of, and all of the Committee's clerical work including the preparation of agendas, the distribution of minutes and the handling of correspondence; preparation and supervision of news and publicity releases, exhibits, displays, radio and television announcements, feature stories and other public relations material; work closely with federal, state, county, local, public and private consumer protection organizations and agencies; meet with various County and other governmental employees and officials and outside groups to carry out the policies of the Committee; edit and supervise the printing and distribution of Committee publications; and perform such duties as are necessary to fulfill the Committee's responsibilities. The Executive Director shall make such reports to the Committee at a time and in a manner as are deemed necessary or desirable by the Committee.

§ 1634. Effective date.

This local law shall take effect immediately.

11/5/74, Meeting 25, Item 15, Adopted
11/26/74, Meeting 28, Item 61, approved by County Executive as
Local Law No. 18 on 11/21/74
12/2/74, Acknowledgement from Secretary of State.

