

COUNTY OF ERIE  
LOCAL LAW NO. 1 - 1978

A LOCAL LAW amending Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, by REPEALING § 1803 of Article XVIII, paragraphs A, B, C, D, and E, thereof, and substituting new paragraphs A, B, C, D, and E, of § 1803, providing an additional week for presentation of budget changes by the Erie County Legislature to the Erie County Executive, an additional week for the return of the budget by the Erie County Executive to the Erie County Legislature, an additional week for final adoption of the budget, and requiring that amendments proposed less than 48 hours before the annual budget meeting be considered separately and voted on individually.

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

Section 1. The Erie County Charter. § 1803, of Article XVIII, paragraphs A, B, C, D, and E, thereof, are hereby REPEALED, and new paragraphs A, B, C, D, and E, are substituted to read as follows:

Section 1803. Adoption of Budget.

A. The county legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county legislature after one or more such hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the Budget Committee to the county legislature concerning amendments to the county executive's tentative budget shall be presented to the legislature and laid on the table at least 48 hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the Budget Committee Report, and less than 48 hours prior to the annual meeting, shall be considered separately and voted on individually on the floor of the Legislature.

B. If the budget is passed by the county legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the county executive; if, however, the budget as passed by the county legislature contains any such additions or increases, the same shall be presented by the clerk of the legislature to the county executive not later than the Wednesday following the [last Tuesday in November,] first Tuesday in December, for his consideration of such additions or increases. If the county executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget and such statement to the clerk of the legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.

C. The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he objects with the reasons for his objections, and shall return the budget with his objections to the clerk of the county legislature who shall present the same to the county legislature [at its next stated meeting] on or before the Monday preceding the second Tuesday in December. The county legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to.

If upon such reconsideration two-thirds of all members of the county legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted.

D. If a budget with additions or increases is not returned by the county executive to the clerk of the legislature with his objections on or before the Monday preceding the [first Tuesday] second Tuesday in December, it shall be deemed adopted.

E. If a budget has not been adopted, as herein provided, on or before the [first Tuesday] second Tuesday of December in each year, then the tentative budget as submitted by the county executive, plus all additions and increases to which he has failed to object, shall be the budget for the ensuing fiscal year.

Section 2. This local law shall become effective immediately.

Material in brackets [ ] is deleted.

Material underlined is new material.

12/22/78 Adopted by Legislature  
1/18/78 Signed by County Executive Regan  
1/30/78 Acknowledgment received from  
Secretary of State

