Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ■ County
- ☐ City of Erie
- ☐ Town
- ☐ Village

Local Law No. 3 **of the year 20** 09

A local law to amend the Erie County Charter and Erie County Administrative Code relative to the Department of Youth Services merging into the Department of Social Welfare and placing Youth Detention in the Department of Social Welfare.

(Insert Title)

Be it enacted by the Erie County Legislature **of the**

(Name of Legislative Body)

- ■ County
- ☐ City of Erie **as follows:**
- ☐ Town
- ☐ Village

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT. Realignment of the Youth Bureau into the Department of Social Services, Division of Youth Services under the purview of the Deputy Commissioner of the Division of Youth Services will integrate the Bureau into the continuum of Juvenile Justice Human Services. This integration, both from a physical location and organizational standpoint, provides logical accountability and chain of command as well as offers additional administrative, fiscal and clerical support to what has been a three person stand alone operation. This consolidation offers cross-training and integration of duties for coverage of brief absences and at the same time maintains the segregation of duties required for preparation of expense claims to respective funding streams. While offering these enhancements to the Youth Bureau, the plan maintains the distinct identity of the Youth Bureau in both function and funding.

Section 2. Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 12 of the Erie County Charter is hereby amended to read as follows:

ARTICLE 12
DEPARTMENT OF SOCIAL WELFARE

Section 1201. Department of social welfare; commissioner; welfare act repealed.

1202. Powers and duties of the commissioner.

Additions to the Erie County Charter and Code are reflected by underlining.
Deletions to the Erie County Charter and Code are reflected by strikethroughs.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 09 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on July 9 20 09, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the Erie County Executive and was deemed duly adopted
(Elective Chief Executive Officer)*
on August 5 20 09, in accordance w ith the applicable provisions of law.

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____State of New York, having been submi tted to the electors at the General Election of November_____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified elec tors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2_____ above.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 8/11/09

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

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

_____
Signature
2nd Assistant County Attorney
Title

County
~~City~~ ERIE
~~Town~~
~~Village~~

Date: August 10, 2009

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COUNTY OF ERIE

LOCAL LAW INTRO. NO. 8 -2009

LOCAL LAW NO. 3 -2009

A LOCAL LAW to amend the Erie County Charter and Erie County Administrative Code relative to the Department of Youth Services merging into the Department of Social Welfare and placing Youth Detention in the Department of Social Welfare.

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT. Realignment of the Youth Bureau into the Department of Social Services, Division of Youth Services under the purview of the Deputy Commissioner of the Division of Youth Services will integrate the Bureau into the continuum of Juvenile Justice Human Services. This integration, both from a physical location and organizational standpoint, provides logical accountability and chain of command as well as offers additional administrative, fiscal and clerical support to what has been a three person stand alone operation. This consolidation offers cross-training and integration of duties for coverage of brief absences and at the same time maintains the segregation of duties required for preparation of expense claims to respective funding streams. While offering these enhancements to the Youth Bureau, the plan maintains the distinct identity of the Youth Bureau in both function and funding.

Section 2. Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 12 of the Erie County Charter is hereby amended to read as follows:

ARTICLE 12
DEPARTMENT OF SOCIAL WELFARE

Section 1201. Department of social welfare; commissioner; welfare act repealed.

1202. Powers and duties of the commissioner.

Additions to the Erie County Charter and Code are reflected by underlining.
Deletions to the Erie County Charter and Code are reflected by ~~strikethroughs.~~

1203. Welfare advisory board.

1204. Division of Youth Services.

1205. Youth Bureau Board.

1206. Executive Director of Youth Bureau.

Section 1201. Department of social welfare; commissioner; county welfare act repealed. There shall be a department of social welfare headed by a commissioner who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county social welfare act, being chapter twenty eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1202. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of social welfare shall:

a. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law.
b. REPEALED by Local Law No. 9 1989.
c. Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.
d. Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency telephone service shall be available on a twenty four hour basis for medical, psychiatric and non medical crises.
e. Perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 6 1975.

Section 1203. Welfare advisory board. There shall be in the department a welfare advisory board of seven members appointed by the county executive for five year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department or involving social welfare.

Section 1204. Division of Youth Services. There shall be within the department of social welfare a division of youth services, headed by a deputy commissioner. In addition to all other duties prescribed by local law, ordinance or resolution of the Legislature or by the commissioner of social welfare, the deputy commissioner of the division of youth services shall have charge of youth detention services and the youth bureau.

Section 1204 added by Local Law No. 3-2006.

Section 1205. Youth Bureau Board. There shall be established a youth bureau board to the division of youth services of the department of social welfare.

Section 1206. Executive Director of Youth Bureau. There shall be an executive director of the youth bureau within the division of youth services of the department of social welfare. The executive director shall be appointed by the county executive subject to confirmation by the county legislature.
Article 12 was formerly numbered Article XI.

Article 17 of the Erie County Charter entitled DEPARTMENT OF YOUTH SERVICES is hereby repealed in its entirety as depicted below:

~~ARTICLE 17~~
~~DEPARTMENT OF YOUTH SERVICES~~

~~Section 1701. Department of youth services; commissioner~~
~~1702. Powers and duties~~
~~1703. Youth services board~~

~~Section 1701. Department of Youth Services; commissioner. There shall be a department of youth services, hereinafter to be known as the "Erie County Youth Bureau", the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. The commissioner may, within the appropriations provided therefor, appoint to serve at his or her pleasure, such deputies, assistant deputies and other employees as he or she may deem necessary for the performance of his or her duties.~~
~~Amended by Local Law No. 6-2001.~~
~~Section 1702. Powers and duties. The commissioner of the department shall:~~

~~a. Act as a local administrative officer for planning, coordination, and management of services for youth in cooperation with the county executive and county legislature;~~
~~Amended by Local Law No. 6-2001~~
~~b. Serve as an advocate in order to make existing service systems more effective and accessible to youth;~~
~~c. Assess the future needs of youth to insure the continuance of beneficial programs and to implement additional services according to need and demographics, including mentally and physically handicapped and disabled youth;~~
~~d. Apply for such federal and state funds and grants as may be beneficial to youth;~~
~~e. Improve coordination among county agencies and between cities towns, and villages within the county which are involved in the provision of services to youth,~~

~~especially those youth who are at risk of involvement in the juvenile and criminal justice system, in order to assure more effective planning, program development, and administration of services which are provided on behalf of these youngsters;~~

~~f. Gather and disseminate information relating to the needs of youth and inform the public of the services and facilities available to youth;~~

~~g. Initiate and monitor programs to preserve the safety of youth with respect to handicapped youth transportation and education services, and juvenile delinquency prevention;~~

~~Amended by Local Law No. 2-1989.~~

~~h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.~~

~~Section 1703. Youth services board. There shall be established a youth services board to the department of youth services.~~
~~Added by Local Law No. 3-1983.~~
~~Article 17 was formerly numbered Article XI-F*.~~
~~* See also, former article XI-F, Office for the Disabled, Added by Local Law No. 4-1983, and REPEALED by Local Law No. 3-2006.~~

Articles 18 through 31 and their respective sections shall be renumbered as follows:

Article 1~~8~~7	Office of Public Advocacy
Article 1~~9~~8	Comptroller
Article ~~20~~19	County Clerk
Article ~~21~~20	District Attorney
Article ~~22~~21	Sheriff
Article ~~23~~22	Other County Boards, Offices, Institutions and Functions
Article 2~~3~~2-A	Erie County Environmental Management Council
Article 2~~3~~2-B	Citizens Salary Review Commission
Article 2~~3~~2-C	Erie County Community Coordinating Council on Children and Families
Article 2~~4~~3	Autonomous Institutions
Article 2~~5~~4	Service Relationships with Local Municipalities
Article 2~~6~~5	Financial Procedures
Article 2~~7~~6	General Provisions
Article 2~~8~~7	Application of Charter; When and How Operative and Effective
Article 2~~9~~8	Sunset Provision
Article ~~30~~29	Renumbered Articles
Article 3~~1~~0	Repealed Articles

Section 3. Erie County Local Law No. 1-1960, as amended, constituting the Erie County Administrative Code, is hereby amended to read as follows:

Additions to the Erie County Charter and Code are reflected by underlining.
Deletions to the Erie County Charter and Code are reflected by ~~strikethroughs.~~

Article 11 of the Erie County Administrative Code is hereby amended to read as follows:

ARTICLE 11

DEPARTMENT OF SOCIAL WELFARE

Section 11.01 Department of social welfare; commissioner.

11.02 Powers and duties.

11.03 Reports.

11.04 Deputy commissioners

11.05 Bond of commissioner.

11.06 Disposition of unclaimed personal property.

11.07 Welfare rates and charges.

11.08 Welfare advisory board.

11.09 Youth bureau board.

Section 11.01 Department of social welfare; commissioner. The department of social welfare shall be headed by a commissioner. He/ she shall be appointed on the basis of his/ her administrative experience and his/ her qualifications for the duties of his office consistent with NYS Social Services Law.

Section 11.02 Powers and duties. a. The commissioner of social welfare shall have all the powers and duties heretofore or hereafter lawfully conferred or imposed upon him/ her 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 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 commissioner of public welfare under the social welfare law or any other applicable law.
Subsection 11.02(b) **REPEALED** by Local Law No. 9-1989.

Section 11.03 Reports. The commissioner of social welfare shall:

a. make such reports and furnish such information to the state department of social welfare with respect to the work of the county public welfare district as are required by the social welfare law and by the state department of social welfare;
b. make an annual report to the county executive and county legislature concerning the work of the county public welfare district and additional reports at such times

and covering such matters as the county executive or the county legislature may require;

c. file copies of any report made by the commissioner pursuant to the provisions of this section with the county executive, the clerk of the county legislature and the welfare advisory board.

Section 11.04 Deputy commissioners. The commissioner of social welfare shall, within the limits of the appropriations provided therefore, have the power to appoint such deputies, officers, assistants and employees as he/ she may deem necessary for the performance of his/ her duties. The deputy commissioners shall perform such duties as the commissioner may prescribe. The commissioner shall designate in writing filed in the Erie county clerk's office the order in which such deputies shall exercise the powers and duties of the office in the event of a vacancy or in the absence of the commissioner from the county or his/ her inability to perform the duties of his office.

Section 11.05 Bond of commissioner. The commissioner of social welfare and such of his/ her deputies, assistants or employees as the county legislature or 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/ her 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 11.06 Disposition of unclaimed personal property. All monies and articles of personal property belonging to a discharged or deceased person in any institution now or hereafter under the jurisdiction of the commissioner of social welfare shall, if unclaimed by such discharged person, or the legal representative of such deceased person, for a period of one year after the discharge or decease of such person, be deemed abandoned, and shall be inventoried and turned over to the ~~commissioner of finance~~ Office of the Comptroller. The commissioner shall forthwith pay any monies so unclaimed to the ~~county commissioner of finance~~ Office of the Comptroller who shall place the same to the credit of the county. Any personal property, other than money, remaining so unclaimed shall be sold at public sale by the ~~commissioner of finance~~ Office of the Comptroller and the money derived therefrom shall be credited to the county.

Section 11.07 Welfare rates and charges. The commissioner of social welfare shall when submitting the estimate of revenues and expenditures for the department of social welfare to the budget director include therein recommendations for rates to be paid by the county to hospitals, institutions for the aged, institutions for children, nursing homes, correctional institutions and foster homes and such other rates as may be necessary or required to be paid by the county for services rendered to and the care and maintenance of persons for whom the department of social welfare is responsible under the requirements of the social welfare law or any other applicable law. The recommendations of the county executive as to such rates shall be included in the tentative budget submitted by ~~him~~ the county executive to the county legislature pursuant to the provisions of article 18 of this code. The county legislature shall by resolution and as part

of the budget procedure determine, fix and establish the rates to be paid by the county for such services.

Section 11.08 Welfare advisory board. The county executive shall appoint a welfare advisory board of seven members, at least one of whom shall be a physician licensed to practice in the state of New York. Such board shall have and exercise the powers and duties conferred or imposed on such board by the county charter or this code. The welfare advisory board shall, at the request of the commissioner of social welfare and may on its own initiative, make recommendations and suggestions relative to the qualifications and duties of any of the deputies, officers or employees of the department. The welfare advisory board shall elect annually a chairman, vice-president and a secretary from among its members. Meetings of the welfare advisory board shall be held at the call of the commissioner of social welfare or the chairman of such board on three days[1] written notice mailed to the last known address of such board members. Members of the welfare advisory board shall be appointed for a term of five years, except that of those first appointed, two shall be appointed for a term expiring December thirty-first, nineteen hundred sixty-one, two for a term expiring December thirty-first, nineteen hundred sixty-two, one for a term expiring December thirty-first, nineteen hundred sixty-three, one for a term expiring December thirty-first, nineteen hundred sixty-four, and one for a term expiring December thirty-first, nineteen hundred sixty-five. Vacancies in the membership of the board occurring otherwise than by expiration of term shall be filled by appointment for the unexpired terms.

Section 11.09 Youth bureau board. The county executive shall appoint twenty one persons to serve without compensation on a youth bureau board for the department of social welfare 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.

Article 11-F of the Erie County Administrative Code entitled DEPARTMENT OF YOUTH SERVICES is hereby repealed in its entirety as depicted below:

~~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 16, Section 16.06 of the Erie County Administrative Code is hereby amended to read as follows:

Section 16.06. Department of Probation. <u>There shall be a Department of Probation headed by a commissioner who shall be appointed by the county executive, subject to confirmation by the county Legislature.</u> ~~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.

Additions to the Erie County Charter and Code are reflected by <u>underlining.</u>
Deletions to the Erie County Charter and Code are reflected by ~~strikethroughs.~~

Section 4.

EFFECTIVE DATE. This Local Law shall take effect immediately.

Section 5.

SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY

LEGISLATOR THOMAS J. MAZUR

LEGISLATOR BARBARA MILLER-WILLIAMS

LEGISLATOR BETTY JEAN GRANT

LEGISLATOR ROBERT B. REYNOLDS

LEGISLATOR LYNN M. MARINELLI

LEGISLATOR RAYMOND W. WALTER

A Public hearing was held on the foregoing Local Law Intro. No. 8-2009 on Wednesday, August 5, 2009, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 5th day of August, 2009.

Chris Collins

CHRIS COLLINS
Erie County Executive

A Public hearing was held on the foregoing Local Law Intro. No. 8-2009 on Wednesday, August 5, 2009, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, CHRIS COLLINS, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 200_.

_____
CHRIS COLLINS
Erie County Executive