

SUSPENSION

ERIE COUNTY LEGISLATURE

BETTY JEAN GRANT

*Chair of the Legislature
2nd District Legislator*



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Buffalo, New York 14215
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Buffalo, New York 14202
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February 15, 2012

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Graber:

For submission to the agenda of the Erie County Legislature, I have attached copies of three Local Laws concerning minority and women business utilization in Erie County:

- Local Law No. 6 of 1987
- Local Law No. 5 of 1994
- Local Law No. 9 of 2005

Please direct this communication to the Legislature's Minority & Women Enterprise Committee for discussion at an upcoming committee meeting.

Thank you.

Sincerely,

BETTY JEAN GRANT
Chair of the Erie County Legislature
2nd District Legislator

RECEIVED
ERIE COUNTY
LEGISLATURE

JUN 11 4 08 PM '87

COUNTY OF ERIE
LOCAL LAW NO. 6
LOCAL LAW INTRO NO. 1 (Print #2)
1987

A LOCAL LAW requiring a minority business utilization and women-owned owned business utilization commitment by persons or firms contracting with the County of Erie:

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS
FOLLOWS:

SECTION 1; The following provisions shall be inserted in and made a condition of all bid specifications prepared by the Erie County Department of Planning and Environment and/or the Erie County Department of Public Works and advertised after the effective date of the local law which was estimated by County to result in a contract exceeding \$100,000.00.

Minority Business Utilization Commitment

(A) The Contractor shall take affirmative action to utilize bona fide minority business enterprises/women business enterprises for subcontracts on this project. Affirmative action shall include, but not be limited to: (1) Utilizing a source list of minority business enterprises (MBE) and women-owned business enterprises (WBE), (2) Solicitation of bids from MBE's and WBE's, particularly those located in Erie, Niagara, Cattaraugus and Chautauqua Counties, (3) Giving MBE's and WBE's sufficient time to submit proposals in response to solicitations, (4) maintaining records showing MBE's and WBE's and specific efforts to identify and award contracts to these companies, and (5) a

goal of awarding at least ten percent (10%) of the total dollar value of the contract to MBE's and at least two percent (2%) of the total dollar value of the contract to WBE's or, for those contracts governed by federal or state regulations with respect to MBE and/or WBE hiring, the prevailing percentage set forth therein, whichever is higher, subject to waiver as provided for below.

(B) The three (3) lowest bidders on each contract subject to this law shall submit to the County MBE/WBE office, with the bid [or within 3 business days of the bid opening], a list of all MBE's and WBE's from whom the Contractor has solicited bids or with whom the Contractor has signed a binding contractual agreement or with whom the Contractor is presently negotiating an agreement, for the purposes of meeting the MBE and WBE utilization goals provided for in subdivision (A) (5) above. A contractor's bid shall not be considered where the Contractor fails to submit such a list as provided for herein. A Contractor's bid shall not be considered where examination of said list of MBE's and WBE's evidences failure by the Contractor to comply with the affirmative action requirements provided for herein, except that the County may, upon written request by the Contractor, grant a complete or partial waiver of the provisions of Subdivision (A) (5), where the availability of MBE's and/or WBE's in the market area of the project is less than the ten percent (10%) and two percent (2%) goals above.

(C) As evidence of compliance with the goals set forth in subdivision (A) (5) above, the Contractor shall submit to the County MBE/WBE office, within fifteen (15) business days of the bid opening, a schedule for MBE and WBE participation, listing the MBE's and WBE's with whom the Contractor intends to subcontract, specifying the agreed price to be paid for such work, and identifying in detail the contract item(s) or parts to

be performed by each MBE and each WBE. A letter of intent to enter into a subcontract or purchase agreement, contingent upon contract award, indicating the agreed upon price and scope of work, shall be provided, signed by both the Contractor and the MBE or WBE. The prime Contractor shall not substitute or delete the listed MBE's or WBE's without the written consent of Erie County.

(D) As evidence of compliance with the goals set forth in Subdivision (A) (5) above, the Contractor shall provide to Erie County MBE/WBE office, copies of all subcontracts and/or purchase agreements with MBE's and WBE's within fifteen (15) days of contract award. A motion [notice] to proceed with construction shall not be issued until such documentation is received.

(E) As evidence of compliance with the goal set forth in Subdivision (A) (5) above, the Contractor shall submit to the County MBE/WBE office, when the project is thirty percent (30%) complete, a list of MBE's and WBE's on the project, the dollar amounts paid to that date and the estimate amount remaining to be spent. This same information is required at seventy-five percent (75%) completion and a final accounting must accompany the final payment request.

(F) Failure to comply with the provisions set forth herein shall constitute a breach of this contract subject to all remedies available to the County.

(G) For the purposes of this section, the term "minority business enterprise (MBE)" shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly owned business, at least fifty-one percent (51%) of all stock is owned by minority group members. Such

ownership shall be certified by the Erie County Equal Employment Opportunity Office. For the purposes of this paragraph, "minority group members" are citizens of the United States who are Black, Hispanic, Asian-American, American Indian, Eskimo or Aluet. [For purposes of this section, the term "subcontract" includes all construction, modification, supplies and material, and service work contracted for by the Contractor in the prosecution of this work.]

(H) For the purposes of this Section, the term "women-owned business enterprise (WBE)" shall mean a business which performs a commercially useful function, at least fifty-one (51%) of which is owned by a woman or women or, in the case of a publicly owned business, at least fifty-one (51%) of all stock is owned by a woman or women. Such ownership shall be certified by the Erie County equal Employment Opportunity Office.

(I) Where the MBE or WBE is a supplier, a credit of one hundred percent (100%) of the dollar value of the subcontract between the MBE or WBE and the Contractor shall be awarded toward the fulfillment of the appropriate goal, as set forth in Section 1 (A) (5) above.

1) For purposes of this Section, an MBE or a WBE will be considered a supplier when it:

- a. assumes actual and contractual responsibility to furnish supplies and/or materials and is the manufacturer of those supplies and/or materials; or
- b. is recognized by the manufacturer involved as a distributor of its supplies and/or materials; and
- c. owns or leases a warehouse, yard, building or other facility which is necessary and customary to carry out the proported function of the business; and
- d. distributes, delivers and services

the supplies and/or materials with its own staff.

(J) Where an MBE or WBE performs a sales function, which is customarily performed as a distinct and necessary part of the supply process, a credit of twenty-five percent (25%) of the dollar value of the subcontract between the MBE or WBE the Contractor will be awarded toward the fulfillment of the appropriate goal, as set forth in Section 1 (A) (5) above.

(K) Where the MBE or WBE performs a function or service which is commercially unnecessary, such as acting as a passive conduit in the supply process or duplicating a service provided by others in the same chain of supply from manufacturer to purchaser, no credit will be granted toward the appropriate goal, as set forth in Section 1 (A) (5) above.

(L) The qualifications set forth in subsections (J) and (K), above, of this Action shall be certified by the Equal Employment Opportunity Office.

(M) For purposes of this Section, the term "subcontract" includes all construction, modification, service work, supplies and material contracted for by the Contractor in the performance of this work.

SECTION 2. The County Executive shall appoint a minority business enterprise and women-owned business enterprise utilization advisory board of nine (9) members consisting of County personnel, legislators, minority contractors, female contractors and community and business representatives, which shall review program administration and implementation on a regular basis and shall submit an annual report to the County Executive and the County Legislature. This committee shall be empowered to promulgate regulations to provide for the administration of this

local law.

SECTION 3. The legislature shall conduct hearings annually to assess the impact of the local law.

SECTION 4. This local law shall take effect immediately.

MARY LOU RATH
Legislator, 15th District

JOAN K. BOZER
Legislator, 4th District

(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. 5 of the year 19 94

A local law requiring a minority business and women-owned business utilization
(Insert Title) commitment by persons or firms contracting with the
County of Erie for supplies, materials, equipment and insurance.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

County
~~City~~ of ERIE
~~Town~~ as follows:

SECTION NO. 1: After the effective date of this local law, the following provisions shall be inserted in and made a condition of all bid specifications prepared by the Erie County Division of Purchase for supplies, materials, equipment and insurance involving an expenditure of more than \$15,000.00.

MINORITY AND WOMEN-OWNED BUSINESS UTILIZATION COMMITMENT

A. The supplier of all purchase contracts involving an expenditure of more than \$15,000.00 shall take affirmative action to utilize bonified minority business enterprises (MBE) and women business enterprises (WBE) on all contracts with the County. Affirmative action shall include, but not be limited to:

1. Utilizing a source list of MBEs and WBEs; and
2. Solicitation of bids from MBEs and WBEs; and
3. Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations; and
4. Maintaining records showing utilization of MBEs and/or WBEs specific efforts to identify and utilize these companies; and

(If additional space is needed, attach pages the same size as this sheet, and number each.)

5. A goal of awarding at least ten percent (10%) of the total dollar value of the contract to MBEs and at least two percent (2%) of the total dollar value of the contract to WBEs or, for those contracts governed by federal or state regulations with respect to MBE and/or WBE hiring the prevailing percentage set forth therein, whichever is higher, subject to waiver as provided below.

B. All bidders on each contract subject to this law shall submit to the County Equal Employment Opportunity Office (EEO), with the bid, a list of all MBEs and WBEs from whom the supplier has solicited bids, or with whom the supplier has signed a binding contractual agreement, or with whom the contractor is presently negotiating an agreement, for the purposes of meeting the MBE and WBE utilization goals provided in subdivision (A) (5) above. A supplier's bid shall not be considered where the supplier fails to submit a list as provided for herein. A supplier's bid shall not be considered where examination of said list of MBEs and WBEs evidences failure by the supplier to comply with the affirmative action requirements provided herein, except that the County may, upon written request by the supplier, grant a complete or partial waiver of the provisions of subdivision (A) (5) where the availability of MBEs and/or WBEs in the market area of the contract is less than the ten percent (10%) MBE goal and the two percent (2%) WBE goal.

C. As evidence of compliance with the goals set forth in subdivision (A) (5) above, the supplier shall submit to the Director of Purchasing, at the bid opening, a schedule for MBE and WBE participation listing the MBEs and WBEs with whom the supplier intends to utilize; specifying the agreed upon price to be paid for such goods or services and identifying in detail the contract item or items to be supplied by each MBE and WBE. A copy of the participating schedule will be forwarded to the Division of EEO from the Division of Purchasing. Contingent upon a contract award, a letter of intent to enter into a purchase agreement, signed by both the supplier and the MBE and/or WBE, indicating the agreed upon price and scope of work, shall be provided.

D. As evidence of compliance with the goals set forth in subdivision (A) (5) above, the supplier shall provide to the County EEO Office, copies of all the subcontracts and/or purchase agreements with the MBEs and WBEs within fifteen (15) days of contract award.

E. For the purpose of this section, the term "minority business enterprise" shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly-owned business, at least fifty-one percent (51%) of all stock is owned by minority group members. Such ownership shall be certified by the County EEO Office.

For the purposes of this paragraph, "minority group members" are citizens of the United States who are African-American, Hispanic, Asian-American and American-Indian.

F. For the purposes of this section, the term "women-owned business enterprise" shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of publicly-owned business, at least fifty-one percent (51%) of all stock is owned by a woman or women. Such ownership shall be certified by the County EEO Office.

SECTION 2: The Legislature shall conduct hearings annually to assess the impact of this local law.

SECTION 3: This local law shall take effect immediately.

Erie County Legislator,
Crystal D. Peoples

(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 19 _____ of the (Country)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)

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. 5 of 19 94 of the (Country)(~~City~~)(~~Town~~)(~~Village~~) of Erie was duly passed by the Erie County Legislature on May 12 19 94, and was (approved)(~~not disapproved~~)(~~repassed after disapproval~~) by the ERIE COUNTY EXECUTIVE and was deemed duly adopted on June 15 1994,
(Elective Chief Executive Officer*)
in accordance with 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 19 _____ of the (Country)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19 _____ of the (Country)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 chairman 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.)~~

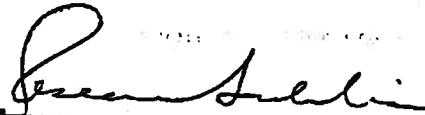
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19 _____, 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 19 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19 _____ 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 electors of the cities of said county as a unit and of 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~~

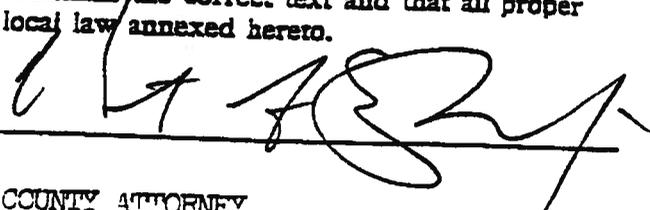
(Seal)

Date: June 22, 1994

(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 foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

ERIE COUNTY ATTORNEY

Title

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

Date: June 22, 1994

COUNTY OF ERIE
LOCAL LAW NO. 9 2005 JUL -6 P 1:10
LOCAL LAW INTRO NO. 8 2005
PRINT NO. 2

A LOCAL LAW in relation to the utilization by the County of Erie of minority-owned businesses and woman-owned businesses for professional, technical or other consultant services.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Short Title. This local law shall be known as the Erie County MBE/WBE Utilization Commitment Act.

Section 2. Legislative Intent. As a direct result of Local Law #1, of 1987 the County of Erie has significantly increased its utilization of businesses owned by minority group members and women, and especially locally owned and operated businesses, on construction contracts and has thereby significantly enhanced the opportunities and entrepreneurial skills of minority group members and women in Erie County. The growth and development of such businesses have a substantial positive impact on the economic health of the County. The County's utilization of minority and women-owned professional, technical and other consultant services, such as in the areas of law, finance, information technology, accounting and engineering, outside of construction projects, has not achieved the same level of success, notwithstanding the increased growth of minority and women owned business and firms in these areas and professions.

Section 3. Definitions: For the purposes of this local law, the following terms shall have the following meanings:

A. Minority-Owned Business Enterprise (MBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly-owned business, at least fifty-one percent (51%) of all stock is owned by minority group members, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie. For the purposes of this paragraph, minority group members are citizens of the United States who are African American, Hispanic, Asian-American and Native American (American-Indian).

B. Women-Owned Business Enterprise (WBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of publicly-owned business, at least fifty-one percent (51%) of all stock is owned by a woman or women, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie.

C. Department shall mean every County Department, Agency or Administrative Unit, including but not limited to the County Executive, the Legislature, Sheriff's Department, Comptroller's Office, County Clerk's Office and District Attorney's Office.

Section 4. Minority And Women-Owned Business Enterprise Utilization Commitment

(A) Every Department shall annually prepare and implement a written plan for the utilization of bona-fide minority and women-owned businesses on County contracts let by or on behalf of such Department for professional, technical, or other consultant services. The plan must include a goal of awarding to MBE's, directly or through subcontracts, in each fiscal year, at least fifteen percent (15%) of the total value of all contracts intended to be let by the Department and a goal of awarding to WBE's at least five percent (5%) of the total value of all contracts intended to be let by the Department. The plan shall be submitted to the Erie County Division of Equal Employment Opportunity for review and approval by September 15th, preceding the calendar year covered by such plan.

(B) If the Department determines that the goals set forth in Section 4 (A) cannot be met, the Department's annual plan must include a justification why the policy goals are unobtainable. The written justification must include the Department's reasonable good faith efforts to meet the utilization goals and which may include the utilization of minority and women professionals in non-minority and non-women owned businesses.

(C) The County Executive must submit a summary of each Department's plan pursuant to this local law to the Legislature simultaneously with the annual proposed Budget. The plans are not to be considered as a part of the proposed budget.

Section 5. Reporting

A. Every Department shall prepare and submit an initial plan by September 15, 2005 that will cover the period January 1, 2006 to December 31, 2006. Annual plans, including the initial plans, will be modified as appropriate to reflect the Department's final adopted budget for the applicable year and subsequent modifications to the Department's budget during the applicable year.

B. On or before the 30th day of April, and quarterly thereafter, each Department head shall prepare a status report in such standard form as shall be periodically established by the Division of Equal Employment Opportunity, on the implementation and results of its utilization of minority owned business and women owned businesses during the three-month period ending one month before the due date of the report. Each report shall be submitted to the Division of Equal Employment Opportunity. Failure by any Department to submit any reports required by this section shall be grounds for discipline by the County Executive, except that for those Departments whose head are elected, the legislature shall determine the appropriate remedy for non-compliance with of the provisions of this law.

C. As evidence of a Department's good faith efforts to attain the goals set forth in its annual policy, a Department seeking approval by the Legislature of a matter which may involve the utilization by the County of professional, technical or other consultant services, must attach to each such request, a copy of its current status report on its policy goals.

D. The Division of Equal Employment Opportunity shall: (1) monitor the achievement of the annual goals established by each Department and (2) prepare a quarterly report on each Department's goal achievement, including each Department's good faith efforts to each those goals. The report shall be submitted to each Department that submitted a report, the County Executive, the Department and the Legislature.

E. Reasonable efforts shall include, but not limited to:

1. Utilizing a source list of MBEs and WBEs;
2. Solicitation of bids, RFQS and RFPs from WBEs and MBEs
3. Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations;
4. Maintaining records showing utilization of MBEs and/or WBEs, as well as the specific efforts to identify and utilize these companies;
5. Causing its prime contractors to enter into sub-contracts with MBE/WBE firms, if appropriate and feasible, to effectuate the policy goal set forth herein;
6. Building the capacity of local and regional MBE and/or WBE firms to provide quality technical and professional services.

F. The Division of Equal Employment Opportunity shall prepare an annual report to the County Executive and the Legislature on the compliance of Departments with the requirement of this law.

Section 6. Applicability to contractual agreements for professional, technical or other consultant services. Notwithstanding any other application, this local law shall apply to any and all contractual agreements for professional, technical or other consultant services made in accordance with Section 19.08 of the Erie County Administrative Code. Waiver of Section 19.08, in accordance with the Erie County Legislature's authority to make a finding of necessity that the special service or skill must be provided immediately, or a determination that the procedure is impracticable, shall not constitute waiver or inapplicability of the provisions of this local law.

Section 7. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

GEORGE A. HOLT, JR.

DEMONE SMITH

ALBERT DEBENEDETTI

LYNN M. MARINELLI

(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 provisions of law.
(Name of Legislative Body)

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. _____ 9 _____ of 2005 of the (County)(City)(Town)(Village) of _____ Erie _____ was duly passed by the Erie County Legislature on July 14 2005, and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive _____ and was deemed duly adopted on August 1, 2005, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. 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.
(Elective Chief Executive Officer)*

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)(repassed after disapproval) by the _____ on _____ 20____. Such local 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)*

* 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 vote of 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 submitted 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 electors 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 _____, above.

Kevin M. Kelley
Clerk of the County legislative body, ~~CLERK OF THE COUNTY LEGISLATIVE BODY~~

(Seal)

Date: 8-10-05

(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 foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Assistant County Attorney
Title

County
~~City~~ of Erie
~~Town~~
Village

Date: August 17, 2005

A Public Hearing was held on the foregoing Local Law Intro. No. 8-2005 on Wednesday, July 27, 2005, 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, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 1 day of ~~August~~, 2005.



A Public Hearing was held on the foregoing Local Law Intro. No. 8-2005 on Wednesday, July 27, 2005, 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, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2005.
