

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

- Move to adopt
amend.
- Hudson

Amendment to Recommendation Intro. No. 115A
Recommendation No.

~~115A~~

The text of Recommendation Into No. 115 is stricken and replaced with the following:

10-8
Same
opp. as
101A

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Sponsored by Commission Member _____

The Erie County Charter Revision Commission of 2016 does hereby recommend that new article 4 be inserted to read as follows:

Article 4 - Department of Budget and Management - Charter

Section 401. Department of budget and management; director.

402. Powers and duties

403. Budget Director Nomination

404. County Departments and Cooperation

Section 401. Department of budget and management; director. There shall be a department of budget and management headed by a director of budget and management. The director of budget and management shall be appointed by the county executive, subject to confirmation by the county legislature. The director of budget and management will serve a term coterminous with the term of the county executive who appointed him or her. The director of budget and management may only be removed prior to the expiration of his or her term by (a) a majority vote of the Erie County Legislature on request of the county executive; or (b) by the County Executive for cause. The division of budget and management in the office of the county executive and the position of director of budget and management in that division are hereby abolished.

All references contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

402. Powers and duties. The director of budget and management shall have the following powers, duties, and oversight responsibilities:

a) To assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller.

b) To report to the county executive and county legislature on the implementation of such audit recommendations and his or her actions pertaining to efficiency and productivity monitoring.

c) To determine the extent to which legislative and executive policies are being faithfully, efficiently and effectively implemented by administrative officials and to publish reports of such findings.

d) To determine whether county programs are achieving their legal and desired objectives by a review of the performance and management efficiency of county departments and agencies. However, a review shall be coordinated with the County Comptroller when a review includes or requires accounting audits.

e) To determine and analyze the soundness of departmental budget estimates and requests for appropriations, revenues, borrowings and such other fiscal concerns throughout the year.

f) To determine and analyze annually the soundness, sustainability, and prudence of the proposed county budget or any midyear budget amendment, including, but not limited to, borrowings, taxes, personnel levels, and capital expenditures. In making such a determination, the director of budget and management shall consider whether the budget furthers the goal of efficient, sustainable, and stable county spending, including, but not limited to, whether the spending or savings of reserve funds are being made in a countercyclical manner; whether the rate of capital investment is adequate to ensure that the cost to

maintain county infrastructure is at the lowest net present value using a discount rate between 4-10%; and whether changes in the size or scope of the county budget can be maintained over the course of a business cycle. If the director of budget and management finds the county budget deficient in meeting these standards the director of budget and management shall offer amendments to the county budget. Notwithstanding any provisions in this charter to the contrary, the county legislature may adopt such amendments proposed by the director of budget and management by a majority vote.

g) To determine whether the county has adequate plans, facilities, organizational arrangements, and management control systems to adequately and effectively accomplish departmental and legislative policies.

h) To produce a formal cost estimate of every local law that is approved by a committee of the County Legislature and to produce a formal cost estimate of any local law introduced by a county legislator upon the introducer's request. No local law shall be approved by the County Legislature until seventy-two hours after the County Legislature has received a formal cost estimate for such local law.

i) To recommend, in concert with the County Comptroller, an appropriate level of unassigned fund balance in the General Fund, provided that the recommended level shall not be less than five percent of the amount contained in the adopted budget of the General Fund of the County's last audited financial statements; and further provided that any change in the recommended appropriate fund balance shall be limited to one percent of the amount contained in the adopted budget of the General Fund of the County's last audited financial statements during the course of one calendar year. For purposes of this section, the total General Fund calculation shall not include sales and compensating use tax revenues shared with local governments and school districts. The county may only approve an unassigned fund balance in the General Fund below the level recommended by the director of budget and management upon a majority vote of the county legislature. A budget that is approved without a vote of the county legislature shall not appropriate any fund balance revenue that would bring the fund balance in the General Fund below the amount recommended by the director of budget and management. The county executive's tentative budget shall indicate equivalent deletions in the tentative budget that shall be executed if the use of fund balance revenue is not approved by the county legislature.

j) Such other duties and responsibilities as the County Legislature may assign by local law or as the County Executive may direct.

403. Budget Director nomination. Before the Director of Budget and Management is appointed, pursuant to the provisions in this Article, the County Executive shall set the qualifications for such office and shall publish a notice that a vacancy exists in such office and shall interview potential candidates for appointment to such office.

No one may be interviewed for the position of Director of Budget and Management until an advertisement has been placed in a newspaper designated as the official newspaper of the county and a notice of vacancy has been prominently displayed on the county's webpage for at least five days.

404. County departments and cooperation. County offices, departments, agencies, boards, commissions, and other entities are required to provide timely access to the director and staff of the department of budget and management and also to county legislators and the staff of the county legislature of their personnel and records and to assist in the collection and analysis of factual objective data. Such access shall be construed to include direct access to the county's mainframe and departmental computer systems insofar as the information sought is not otherwise precluded by federal, state, or local laws or a collective bargaining agreement between the county and any of its employees.

**Introducer's Memorandum to
Recommendation Intro. No. 115**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is create an independent budget department that is responsive and accountable to both the legislature and the County Executive and is insulated from political pressures. This is done by protecting the budget director from at will termination by the County Executive, without the consent of the legislature. This will prevent a County Executive from pressuring a budget director to produce overly optimistic estimates. In addition, the newly independent budget director will be more likely to sound the alarm over poor spending habits than would one who could be fired at the whim of the County Executive. Section 402 assigns specific duties and powers to this budget director. This includes making the budget director responsible for assessing whether adequate capital spending is being made and whether the County fund balance should be higher than five percent. In addition, like the congressional budget office, this budget department is tasked with estimating the costs of local laws, so that legislators know the impact that their votes will have on county budgets going forward. Section 403 ensures that a real interview process is used to hire the budget director. Section 404 ensures that the budget director and County Legislature have adequate access to county data to accurately understand and assess the County Budget.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

Recommendation Intro. No. 115A

Recommendation No.

	YES	NO	NOT PRESENT	ABSTAIN
Todd J. Aldinger	✓			
Joseph T. Burns	✓			
Tara Cadmus	✓			
Diana K. Cihak		✓		
Keith E. Dash	✓			
Kenneth J. Farrell		✓		
Peter J. Galie	✓			
Christina G. Holdsworth	✓			
Timothy M. Hudson	✓			
Matthew J. Kibler		✓		
Peter M. Kooshoian			✓	
Rashied McDuffie		✓		
Cheryl Meyers-Buth		✓		
Sibu S. Nair		✓		
Tiffany R. Perry		✓		
David Pollack	✓			
Myra E. Robinson-Moses		✓		
Mary A. Stang-Cooke	✓			
Jeanne M. Vinal		✓		

AYES 9

NOES 9