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

Amendment to Recommendation Intro. No. 158
Recommendation No. 9

**The text of Recommendation Into No. 158 is striken and replaced with the following:** A

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 25A be inserted to read as follows:

# Article 25A – Regional Cooperation and Planning - Charter

| | | |
|---|---|---|
| **Section** | **25-A-01.** | **Regional Council.** |
| | **25-A-02.** | **County Planning Board.** |

**25-A-01. Regional Council.**
**A. Establishment; members. There is hereby established a Regional Council. Each of the town supervisors and city mayors of the several towns and cities that comprise Erie County shall be ex officio voting members of the Regional Council. The supervisors and mayors of the several towns and cities that comprise Erie County shall be deemed county officers and, when lawfully convened, shall constitute the Regional Council. Each ex officio member of the Regional Council shall have a weighted voting power in proportion to the number of residents of the town or city that the supervisor or mayor represents as recorded in the most recent census. The Regional Council shall take no official actions except on the affirmative vote of members comprising a majority of the weighted voting power.**
**B. Powers and Duties. The Regional Council shall have the following powers and duties:**

1. **To elect a chairman and other officers.**
2. **To adopt by resolution all necessary rules and regulations for its conduct and procedure.**
3. **To meet as a body no less than once each quarter of a year.**

4. To be solely responsible for its own administration, the hiring of its staff, and controlling its own budget, subject to the appropriation of funds by the County Legislature.
5. To request and receive adequate resources for the discharge of its responsibilities as may be deemed necessary by the County Legislature.
6. To adopt resolutions.
7. To advise the County Executive and County Legislature on matters related to regional cooperation.
8. To appoint the voting members of a County Planning Board. In the event a County Planning Board is established, it shall consist of nine voting members divided into three classes with each class containing three members. All members shall serve three-year terms; provided the terms of the initial members of a County Planning Board shall be staggered so that one class of members shall serve a term of one year, one class of members shall serve a term of two years, and one class of members shall serve a term of three years. The three members of the County Planning Board within each class shall be appointed simultaneously with each member of the Regional Council voting its weighed vote for a single appointee. Only appointees receiving more than twenty-five percent of the weighted vote of the Regional Council shall be appointed to the County Planning Board. Voting to appoint all three members of a member-class shall continue until all three members are simultaneously elected in the manner described above. No planning board member shall be appointed unless an entire member-class is simultaneously appointed, provided that a single member may be appointed by a majority vote of the Regional Council to fill a vacancy on the County Planning Board other than a vacancy resulting by the expiration of a term. An appointment to fill such vacancy shall be for the unexpired portion of such term. No county planning board shall be established except as provided for in this Article. No voting members shall be appointed to any county planning board except as provided for in this paragraph.
9. Such other duties and responsibilities as the County Legislature may assign.

25-A-02. Erie County Planning Board. As provided for by New York General Municipal Law Article 12-B, a County Planning Board is hereby established.

A) Membership.
   1) Voting Members. The County Planning Board shall have nine voting members appointed by the Regional Council as provided for in this Article. All members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses approved by the County Legislature.
   2) Non-voting Members. The following shall be ex officio non-voting members of the planning board:
      i) The Deputy County Executive
      ii) The Commissioner of the Department of Environment and Planning
      iii) The Commissioner of the Department of Public Works

iv) The Chair of the Legislature's Economic Development Committee
v) The Chair of the Erie County Soil and Water Conservation District
vi) The Director of the Erie County Agriculture and Farmland Protection Board
vii) The Executive Director of the Greater Buffalo Niagara Regional Transportation Council

B) Qualifications. Each planning board member shall be a resident of Erie County. One member of each class of members must be a resident of a city. One member of each class of members must be a resident of a town that shares a border with the City of Buffalo. One member of each class of members must be a resident of a town that does not share a border with the City of Buffalo. Prior to appointment, each voting member of the planning board shall have demonstrated to the Regional Council a verifiable involvement in land use, real estate development, economic development, equitable public investment, growth management, transportation, environmental assessment or protection, or regional, urban, or rural planning for a period of not less than three years. Anytime there is a vacancy, either of a single member or of a full member-class, each of the supervisors and mayors of the several towns and cities that comprise Erie County shall have the power to nominate one individual who resides in the town or city which he or she represents to become a member of the planning board. Only members nominated in this fashion shall be eligible to be appointed to the planning board.

C) Powers and Duties. The County Planning Board shall have the following powers and duties:
1) To elect a chairman and other officers.
2) To adopt all necessary bylaws, rules, and regulations for its conduct and procedure.
3) To meet as a body no less than twelve times annually.
4) To advise the County Executive and the County Legislature on all matters related to regional planning and long-term development patterns.
5) To assist the Department of Environment and Planning in preparing a comprehensive plan and other studies related to future growth, development, and preservation of the built and natural environment. Such comprehensive plan shall consist of two separate, but complementary, subparts: one part concerned primarily with the cities and the towns bordering the cities and another part concerned primarily with the towns that do not border cities. Such comprehensive plan shall be updated no less frequently than every five years.

6) To prepare and submit to the County Executive and County Legislature an annual report, which:
   i. Summarizes the major development projects proposed, underway, or completed during the prior calendar year; and
   ii. Evaluates the degree to which each such project conforms with and furthers the comprehensive plan.
7) To be solely responsible for its own administration, the hiring of its staff, and controlling its own budget, subject to the appropriation of funds by the County Legislature.
8) Any other powers as may be assigned to the County Planning Board by the County Legislature; provided, however, that additional powers shall not be assigned to the County Planning Board without the advice and consent of at least two-thirds of the weighted vote of the Regional Council. The County Planning Board shall not have the authority, under New York General Municipal Law Sections 239-m or 239-n, to review any city, town, or village subdivision, planning, or zoning actions unless such authority is specifically granted to the County Planning Board by a local law passed by two-thirds of the County Legislature with the advice and consent of at least two-thirds of the weighted vote of the Regional Council.

D) Staff. The County Planning Board shall be staffed, subject to the appropriation of funds by the County Legislature or the voluntary appropriation of funds from any of the several towns or cities that comprise Erie County, by employees who are selected by and serve at the will of the County Planning Board.

**Introducer's Memorandum to**
**Recommendation Intro. No. 158**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to create a regional council of all town supervisors and city mayors. This board will have the ability to propose local laws and to nominate the members of the County planning board. The County Planning Board will be advisory, but can be granted additional powers upon the consent of 2/3 of the regional council.

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

**Recommendation Intro. No.** 158A

**Recommendation No.** 9

| | 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** 10 **NOES** 8