

Recommendation to Amend the Erie County Charter

Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 107

Recommendation No. ~~107~~ 12

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 Section 204 be amended to read as follows:

Section 204. Form and procedure. Every local law shall be entitled "A local law" (amending etcetera or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

1. The Legislature shall hold a public hearing 5-days before a local law, that is not certified as to the necessity of its immediate passage, can be put to a vote; acceptable public notice for this type of public hearing includes posting a notice on the county's official website and distribution of the notice to local media outlets. No local law shall be certified as to the necessity of its immediate passage except pursuant to a resolution adopted by 2/3 of Legislature.
2. If the Legislature amends a proposed local law following a public hearing held pursuant to paragraph (1), the Legislature shall not be required to have a subsequent public hearing, provided that:
 - a) The amendments made to original proposed local law are:
 - I. In character with the scheme of the original proposed local law; and
 - II. The logical outgrowth of the comments given or submitted at the public hearing or comments received from the county

- attorney pursuant to paragraph (3); and
- b) The proposed local law as amended neither:
- I. Materially alters the issues involved in the original proposed local law; nor
 - II. Substantially departs from the terms or substance of the original proposed local law.

The final form of a proposed local law shall be upon the desks of the Legislature and accessible to the public on the County's website for at least five calendar days excluding Saturdays and Sundays prior to its final passage.

3. Following a public hearing held pursuant to paragraph (1) or at any other time as the Legislature may by resolution request, the county attorney shall, no later than 14 days after such a public hearing or resolution, render to the Legislature an opinion as to whether the a proposed local law or ordinance is of proper form, including, but not limited to, whether a proposed local law or ordinance is preempted by state or federal law; whether proposed local law or ordinance is written in a grammatically sound manner as to achieve its intent; and whether proposed local law or ordinance contains ambiguities which may frustrate its implementation and/or enforcement as intended.

~~Subsection a. Amended by Local Law No. 3-2006.~~

**Introducer's Memorandum to
Recommendation Intro. No. 107**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to allow public input from a public hearing to be incorporated into a local law without requiring a new public hearing, provided the substance of the final local law does not vary significantly from the original proposed local law.

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	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 UNANIMOUS

NOES _____