

**ERIE COUNTY LEGISLATURE  
MEETING NO. 1  
JANUARY 6, 2011**

The Legislature was called to order by the Clerk of the Erie County Legislature.

The Roll being duly called by Mr. Robert M. Graber, Clerk of the Legislature, the following Legislators answered, to wit:

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy J. Whalen
3 <sup>rd</sup> District Barbara Miller-Williams	4 <sup>th</sup> District Raymond W. Walter
5 <sup>th</sup> District Dino J. Fudoli	6 <sup>th</sup> District Maria R. Whyte
7 <sup>th</sup> District Betty Jean Grant	8 <sup>th</sup> District Thomas J. Mazur
9 <sup>th</sup> District Christina W. Bove	10 <sup>th</sup> District Kevin R. Hardwick
11 <sup>th</sup> District Lynn M. Marinelli	12 <sup>th</sup> District Lynne M. Dixon
13 <sup>th</sup> District John J. Mills	14 <sup>th</sup> District Thomas A. Loughran
15 <sup>th</sup> District Edward A. Rath, III	

An Invocation was held, led by Ms. Whyte, who provided a short prayer.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – MR. GRABER called for nominations and the election of Chair of the Legislature for 2011.

MS. BOVE placed in nomination for Chair of the Legislature for 2011 BARBARA MILLER-WILLIAMS. MR. MILLS seconded.

We the undersigned, representing a Majority of the Erie County Legislature do hereby nominate BARBARA MILLER-WILLIAMS as Chair of the Erie County Legislature for 2011.

Timothy J. Whalen 2 <sup>nd</sup> District	Barbara Miller-Williams 3 <sup>rd</sup> District
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Raymond W. Walter  
4<sup>th</sup> District

Dino J. Fudoli  
5<sup>th</sup> District

Christina W. Bove  
9<sup>th</sup> District

Kevin R. Hardwick  
10<sup>th</sup> District

Lynne M. Dixon  
12<sup>th</sup> District

John J. Mills  
13<sup>th</sup> District

Edward A. Rath, III  
15<sup>th</sup> District

MR. GRABER asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2011.

MS. MARINELLI placed in nomination for Chair of the Legislature for 2011 THOMAS J. MAZUR. MR. KOZUB seconded.

I, a duly elected Erie County Legislator for the term beginning January 1, 2010, do hereby support THOMAS J. MAZUR, for Chair of the Erie County Legislature:

Daniel M. Kozub  
1<sup>st</sup> District

Maria R. Whyte  
6<sup>th</sup> District

Betty Jean Grant  
7<sup>th</sup> District

Thomas J. Mazur  
8<sup>th</sup> District

Lynn M. Marinelli  
11<sup>th</sup> District

Thomas A. Loughran  
14<sup>th</sup> District

MR. GRABER asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2011.

Hearing no other nominations, MR. GRABER directed that nominations be closed.

GRANTED.

MR. GRABER moved the question, and directed that a roll-call vote be taken.

VOTES for MS. MILLER-WILLIAMS: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. WHALEN and MS. MILLER-WILLIAMS. VOTES for MR. MAZUR: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (MS. MILLER-WILLIAMS: 9; MR. MAZUR: 6)

MS. MILLER-WILLIAMS having received the required number of votes cast was declared duly elected CHAIR OF THE ERIE COUNTY LEGISLATURE for the year 2011.

Item 2 – CHAIR MILLER-WILLIAMS called for nominations and the election of Clerk of the Erie County Legislature for 2011.

MS. MARINELLI placed in nomination for Clerk of the Legislature for 2011 ROBERT M. GRABER. MS. BOVE seconded.

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature, do hereby nominate ROBERT M. GRABER as Clerk of the Erie County Legislature for 2011.

Daniel M. Kozub  
1<sup>st</sup> District

Timothy J. Whalen  
2<sup>nd</sup> District

Barbara Miller-Williams  
3<sup>rd</sup> District

Maria R. Whyte  
6<sup>th</sup> District

Betty Jean Grant  
7<sup>th</sup> District

Thomas J. Mazur  
8<sup>th</sup> District

Christina W. Bove  
9<sup>th</sup> District

Lynn M. Marinelli  
11<sup>th</sup> District

Thomas A. Loughran  
14<sup>th</sup> District

We, the undersigned, representing a majority of the members of the Minority Caucus in the Erie County Legislature, do hereby nominate ROBERT M. GRABER as Clerk of the Erie County Legislature for 2011.

Raymond W. Walter  
4<sup>th</sup> District

Dino J. Fudoli  
5<sup>th</sup> District

Kevin R. Hardwick  
10<sup>th</sup> District

Lynne M. Dixon  
12<sup>th</sup> District

John J. Mills  
13<sup>th</sup> District

Edward A. Rath, III  
15<sup>th</sup> District

CHAIR MILLER-WILLIAMS moved the question, and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

MR. GRABER, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for the year 2011.

Item 3 – CHAIR MILLER-WILLIAMS called for the designation of Majority Leader of the Erie County Legislature for the year 2011.

MS. WHYTE presented a petition designating MARIA R. WHYTE as Majority Leader of the Erie County Legislature for 2011.

CHAIR MILLER-WILLIAMS directed that the petition be Received, Filed and Printed.

GRANTED.

We, the undersigned, representing a Majority of the members of the Democratic Caucus in the Erie County Legislature, do hereby nominate MARIA R. WHYTE as Majority Leader of the Erie County Legislature for 2011.

Daniel M. Kozub  
1<sup>st</sup> District

Timothy J. Whalen  
2<sup>nd</sup> District

Barbara Miller-Williams  
3<sup>rd</sup> District

Maria R. Whyte  
6<sup>th</sup> District

Betty Jean Grant  
7<sup>th</sup> District

Thomas J. Mazur  
8<sup>th</sup> District

Christina W. Bove  
9<sup>th</sup> District

Lynn M. Marinelli  
11<sup>th</sup> District

Thomas A. Loughran  
14<sup>th</sup> District

Item 4 – CHAIR MILLER-WILLIAMS called for the designation of Minority Leader of the Erie County Legislature for the year 2011.

MR. RATH presented a petition designating JOHN J. MILLS as Minority Leader of the Erie County Legislature for 2011.

CHAIR MILLER-WILLIAMS directed that the petition be Received, Filed and Printed.

GRANTED.

We, the undersigned members of the Erie County Legislature's Minority Caucus, pursuant to the rules of the Erie County Legislature, do hereby designate, LEGISLATOR JOHN J. MILLS, as Minority Leader of the Erie County Legislature effective for a period of one year.

Raymond W. Walter  
4<sup>th</sup> District

Dino J. Fudoli  
5<sup>th</sup> District

Kevin R. Hardwick  
10<sup>th</sup> District

Lynne M. Dixon  
12<sup>th</sup> District

Edward A. Rath, III  
15<sup>th</sup> District

Item 5 – MS. WHYTE moved to approve the Rules of the Legislature for 2011. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: Adopting Erie County Legislature's  
Rules of the Legislature 2011

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature's Rules of the Legislature 2011 as follows:

**2011  
RULES OF ORDER  
ERIE COUNTY LEGISLATURE**

**SECTION 1.00: ORGANIZATION**

**1.01 CHAIRPERSON**

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8<sup>th</sup> day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;

5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
13. To cancel public hearings for which the underlying Local Law has been withdrawn;
14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

**1.02 MAJORITY AND MINORITY LEADERS:**

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or terminate, within budgetary appropriations, which shall be allocated approximately proportionally,

based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

### **1.03 ACTING CHAIR:**

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

## **SECTION 2.00: MEETINGS**

### **2.01 REGULAR SESSION:**

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

### **2.02 SPECIAL MEETINGS:**

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

**2.03 QUORUM:**

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

**2.04 CHAIR TO SECURE A QUORUM:**

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

**2.05 ROLL CALL, MINUTES, ABSENCES:**

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

**2.06 ORDER OF BUSINESS:**

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;



11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

**2.07 ORDER DURING SESSION:**

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

**2.08 APPEAL FROM THE CHAIRPERSON'S RULING:**

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

**2.09 PRIVILEGE OF THE FLOOR:**

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

**2.10 REFERRALS TO COMMITTEE:**

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

**2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:**

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

**2.12 TIE VOTE:**

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

**2.13 PRIORITY OF BUSINESS:**

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

**2.14 LIMITATION ON TIME OF SPEECH:**

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

**2.15 MAJORITY VOTE:**

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

**2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:**

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

**2.17 RECORDING OF VOTE:**

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

**2.18 RECORDING AYES AND NOES:**

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

**2.19 BORROWING MONEY:**

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

**2.20 VOTE ON DISTINCT PROPOSITION:**

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

**2.21 ABSTENTIONS:**

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

**2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:**

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

**2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:**

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

**2.24 PRESENTATION OF MOTION:**

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;

4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

**2.25 WITHDRAWAL OF RESOLUTION OR MOTION:**

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

**2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:**

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

**2.27 PREVIOUS QUESTIONS AND AMENDMENTS:**

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

**2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:**

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

**2.29 MOTION TO RESCIND:**

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

**2.30 COMMITTEE OF THE WHOLE:**

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

**2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:**

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

**2.32 PRESENTATIONS TO BE IN WRITING:**

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

**2.33 TIME FOR PRESENTATION TO CLERK:**

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

**2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:**

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION

- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

**2.35 SOLICITATIONS:**

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

**2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:**

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

**SECTION 3.00: COMMITTEES**

**3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:**

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

**3.02 STANDING AND SPECIAL COMMITTEES:**

There shall be the following standing committees which shall consist of four members each, except the Finance & Management/Budget Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

**STANDING COMMITTEES**

Capital Improvements  
Community Enrichment  
Economic Development  
Energy & Environment  
Finance & Management  
Government Affairs  
Health, Human Services  
Public Safety

**SPECIAL COMMITTEES**

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

**3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:**

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's

presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

**3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:**

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

**3.05(1) CONDUCT OF COMMITTEES:**

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

**3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:**

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

**3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:**

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

**3.05(4) COMMITTEE AGENDA:**

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

**3.05(5) OPEN ITEMS IN COMMITTEE:**

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

**3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:**

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

**3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:**

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on

the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

**SECTION 4.00: BUDGET**

**4.01 TENTATIVE BUDGET:**

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2608 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

**4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:**

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2608 of the Charter.

**4.03 LEVY OF SCHOOL TAXES:**

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

**4.04 ADOPTION OF BUDGET:**

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.



**SECTION 5.00: MISCELLANEOUS**

**5.01 APPOINTMENTS AND CONFIRMATIONS:**

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

**5.02 PURCHASE OVER \$10,000.00:**

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

**5.03 ANNUAL REPORTS:**

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

**5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:**

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

**5.05 REDUCTION OF AGENDA:**

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

**5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:**

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

**5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:**

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

**5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:**

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

**5.09(1) DECORUM IN LEGISLATURE CHAMBER:**

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

**5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:**

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

**5.09(3) FLOOR MOVEMENT:**

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

**5.09(4) BANNERS, SIGNS AND PLACARDS:**

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

**5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:**

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

**5.09(6) AUDIO RECORDING:**

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

**5.09(7) VIDEO RECORDING:**

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and

- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

**5.09(8) VIOLATIONS:**

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

**5.10 AMENDMENT OF RULES:**

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

**SECTION 6.00: EFFECTIVE DATE**

**6.01 EFFECTIVE DATE:**

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

Item 6 – CHAIR MILLER-WILLIAMS directed that the Designation of Minority Caucus Newspapers be Received, Filed and Printed. CHAIR MILLER-WILLIAMS further directed that the Designation of Majority Caucus Newspapers be tabled.

GRANTED.

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature, do hereby designate the Amherst Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2011.

Raymond W. Walter  
4<sup>th</sup> District

Dino J. Fudoli  
5<sup>th</sup> District

Kevin R. Hardwick  
10<sup>th</sup> District

Lynne M. Dixon  
12<sup>th</sup> District

John J. Mills  
13<sup>th</sup> District

Edward A. Rath, III  
15<sup>th</sup> District

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature, do hereby designate the Orchard Park Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2011 for the publication of concurrent resolutions.

Raymond W. Walter  
4<sup>th</sup> District

Dino J. Fudoli  
5<sup>th</sup> District

Kevin R. Hardwick  
10<sup>th</sup> District

Lynne M. Dixon  
12<sup>th</sup> District

John J. Mills  
13<sup>th</sup> District

Edward A. Rath, III  
15<sup>th</sup> District

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – MS. WHYTE moved for the approval of minutes for Meetings Number 23, 25, 26, 27 and 28 of 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 10 - No Public Hearings.

### **MISCELLANEOUS RESOLUTIONS**

Item 11 – CHAIR MILLER-WILLIAMS presented a memorial resolution In Remembrance of Rev. Malcom Erni.

Item 12 – MR. MAZUR presented a memorial resolution Honoring the Memory of Alfred F. "Freddie" Wnek Sr.

Item 13 – MR. MAZUR presented a memorial resolution Honoring the Life of William J. Roberts Sr.

Item 14 – MS. MARINELLI presented a resolution Congratulating Diane Zigrossi Upon Her Retirement from the EC Clerks's Office Following 30 Years of Service.

Item 15 – MR. MAZUR presented a memorial resolution In Remembrance of the Life of Chester John Filipski.

Item 16 – MR. MAZUR presented a memorial resolution Honoring & Remembering Community Leader Arnold B. Gardner.

Item 17 – MR. MAZUR presented a Memorial Resolution Honoring Jean E. Lenihan.

Item 18 – MR. MAZUR presented a resolution Recognizing David Saunders, EC American Legion Oratorical Contest Winner.

Item 19 – MR. HARDWICK presented a resolution Congratulating Mark Basile on Receiving the Kenmore Mercy Hospital Annual Medical Staff Award.

Item 20 – MR. HARDWICK presented a resolution Congratulating Bishop Bernard J. McLaughlin on the 75th Anniversary of His Ordination into the Priesthood.

Item 21 – MR. HARDWICK presented a resolution Congratulating Carol Myers on Receiving the Kenmore Mercy Hospital Annual Medical Staff Award.

MS. WHYTE moved to consider the above eleven items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items by adding one for MS. MARINELLI, and by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above twelve items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 22 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 26 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

January 4, 2011	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18M-4 (2010)  
NFTA: "Minutes of Meeting Held 8/23/2010"  
(5-0)
  - b. COMM. 20M-7 (2010)  
NFTA: "Minutes of Meeting Held 9/27/2010"  
(5-0)
  - c. COMM. 21M-1 (2010)  
NFTA: "17A Reports & Capital Expenditure Reports for the Second Quarter of Fiscal Year  
Ending 9/30/2010"  
(5-0)
  - d. COMM. 24M-7 (2010)  
NFTA: "Copy of Actual/Projected Cash Flow Statements for the Period 4/1/2010 - 3/31/2011  
& 10/1/2010 - 9/30/2011"  
(5-0)
  - e. COMM. 24M-8 (2010)  
NFTA: "Minutes of Meeting Held 10/25/2010"  
(5-0)

2. COMM. 21E-8 (2010)  
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Main Street, Town of Amherst, New York; and

WHEREAS, this acquisition would be used for the reconstruction of Main Street, Town of Amherst; and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed; and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted; and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and Twenty Four Thousand, Five Hundred and 00/100 Dollars (\$24,500.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York , Department of Transportation, Office of Real Estate, 100 Seneca Street, Buffalo, New York 14203 in consideration of Twenty Four Thousand Five Hundred and 00/100 on the following described portion of Main Street, Town of Amherst, New York parcel:

All that piece or parcel of property hereinafter designated as Parcel Nos. 9 and 10, situate in Lot No. 107, Township 12, Range 7, being a portion of Tax Map 81.02, Block 1, Lot 1, said Tax Map having a last revision date of May 25, 1982; situate in the Town of Amherst, County of Erie, State of New York as shown on the accompanying map.

The centerline, as shown on the accompanying map, is established from the Control Line for the reconstruction of Main Street, Part 2, S.H. No. 87, as established in 1997, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said Control Line being described as follows:

Beginning at Control Point Amherst 10; thence southwesterly on an azimuth of 201°02'50", 414.016 m to Control Point Amherst 9; thence northeasterly on an azimuth of 49°39'21", 592.613 m to Control Point 18; thence easterly on an azimuth of 92°08'56", 283.182 m to Control Point 20.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget and Management, the Office of the Comptroller, the County Attorney and the Department of Real Property Tax Services.  
(5-0)

3. COMM. 21E-9 (2010)  
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Broadway, Village of Lancaster, New York; and

WHEREAS, this acquisition would be used for the reconstruction of US Route 20, Broadway, in the Village of Lancaster; and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed; and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted; and



WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and Three Hundred and 00/100 Dollars ( \$300.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York , Department of Transportation, Office of Real Estate, 100 Seneca Street, Buffalo, New York 14203 in consideration of Three Hundred and 00/100 on the following described portion of Broadway, Lancaster, New York parcel:

All that piece or parcel of property hereinafter designated as Parcel No. 55, being a portion of Lot 3, Section No.10, Township 11, Range 6, and also being a portion of Erie County Tax Map 104.82, Block 5, Lots 9 and 14, last revised April 10, 1996, situate in the Village of Lancaster, Town of Lancaster, County of Erie, State of New York as shown on the accompanying map.

All of the above described Parcel No. 55 was previously acquired in permanent easement by The People of the State of New York (Department of Environmental Conservation) by virtue of Liber No. 4132 of Deeds at Page 383 which was filed in the Office of the Clerk of Erie County on June 20, 1947.

The centerline, as shown on the accompanying map, is established from the 1990 survey baseline for the reconstruction of Lancaster Village S.H. No. 915, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said baseline being described as follows:

Beginning at Station 2+986.321, thence Az 85°29'08" to Station 3+090.974.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget and Management, the Office of the Comptroller, the County Attorney and the Department of Real Property Tax Services.

(5-0)

4. COMM. 21E-10 (2010)  
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Transit Road, Village of Depew, New York; and

WHEREAS, this acquisition would be used for the reconstruction of US Route 20, Transit, in the Village of Depew; and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed; and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted; and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and Two Hundred Fifty and 00/100 Dollars ( \$250.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York , Department of Transportation, Office of Real Estate, 100 Seneca Street, Buffalo, New York 14203 in consideration of Two Hundred Fifty and 00/100 on the following described portion of Transit Road, Depew, New York parcel:

All that piece or parcel of property hereinafter designated as Parcel No. 106, being a portion of Lot 7, Section No.10, Township 11, Range 6, and further distinguished as a portion of Subdivision Lot No. 30 in Block No. 1 as shown on a map entitle "Subdivision of Irwinwood Park", on file in the Office of the Clerk of Erie County under Map Cover No. 1149, and also being a portion of Erie County Tax Map 104.18, Block 2. Lot 14, last revised June 17, 1996, situate in the Village of Depew, Town of Lancaster, County of Erie, State of New York as shown on the accompanying map.

A portion of the above described Parcel No. 106 was previously acquired in permanent easement by The People of the State of New York (Department of Environmental Conservation) by virtue of Liber No. 4153 of Deeds at Page 271 which was filed in the Office of the Clerk of Erie County on July 23, 1947.

A portion of the above described Parcel No. 106 was previously acquired in permanent easement by The People of the State of New York (Department of Environmental Conservation) by virtue of Liber No. 4529 of Deeds at Page 449 which was filed in the Office of the Clerk of Erie County on July 19, 1947.

The centerline, as shown on the accompanying map, is established from the 1990 survey baseline for the reconstruction of Depew Village S.H. No. 916, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said baseline being described as follows:

Beginning at Station 1+739.751, thence AZ 92°21'40" to Station 2+014.521 BK, thence AZ 91°53'45" to Station 2+061.188, thence AZ 96°30'31" to Station 2+153.571.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget and Management, the Office of the Comptroller, the County Attorney and the Department of Real Property Tax Services.

(5-0)

5. COMM. 24E-5 (2010)  
COUNTY EXECUTIVE

WHEREAS, a Project for the Construction of the Sherwood Greenway Multi-Use Trail Project, in the Town of Tonawanda, Erie County, PIN 5756.76 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be born at the ratio of approximately 72.2% Federal funds and 27.8% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the New York State Department of Transportation (NYSDOT) administered portion of the Right-of-Way phase of the project PIN5756.76.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above-subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay the Non-Federal share of the cost of the NYSDOT administered portion of the Right-of-Way phase of the project or portions thereof, with the Federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement; and be it further

RESOLVED, that the sum of \$48,484 is hereby appropriated from SAP A.00344, Bicycle/Pedestrian Construction, and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the Non-Federal share of the cost of the NYSDOT administered portion of the Project's Right-of-Way phase exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and with the NYSDOT providing for the administration of the Project and the Municipality's funding of the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

(5-0)

**TIMOTHY J. WHALEN  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 27 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Standard Work Day for Elected &  
Appointed Officials for Retirement  
Reporting Purposes - Amending  
Resolution  
(INTRO 1-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, an amendment to INTRO 13-1 (2010) is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby establish the following as standard work days for the appointed official listed and will report the following Standard Work Day to the New York State and Local Employees' Retirement System based on the Erie County Personnel Department's time-keeping system that shows hours worked:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer's Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
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**APPOINTED OFFICIAL:**

<u>Erie County Legislature</u> – Counsel (Legislature)	Jennifer C. Persico	6	01/01/2010 to 12/31/2011	Y	N/A
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and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 28 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1M-13 from TEAMSTERS LOCAL UNION NO. 264 Re: Letter to Legislature Concerning Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 29 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1D-9 from the HEALTH DEPARTMENT Re: Letter to Legislature Concerning Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 30 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1D-10 from the DEPARTMENT OF SHERIFF - JAIL MANAGEMENT DIVISION Re: Letter to Legislature Concerning Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 31 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1M-14 from ATTORNEY SHAWN P. MARTIN Re: Letter to Legislature Concerning Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 32 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-12 from LEGISLATOR WALTER Re: Articles Regarding the Davis-Bacon Act

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 33 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-13 from the CHAIR MILLER-WILLIAMS Re: Erie County Legislature 2011 Committee Assignments

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

### **2011 Committee Assignments**

#### **Finance & Management**

**Chair:** Lynn M. Marinelli  
**Vice-Chair:** Maria R. Whyte  
**Members:** Christina W. Bove  
Kevin R. Hardwick  
John J. Mills  
**Clerk:** Diana K. Cihak

#### **Health, Human Services**

**Chair:** Thomas J. Mazur  
**Vice-Chair:** Maria R. Whyte  
**Members:** Lynn M. Marinelli  
Dino J. Fudoli  
Raymond W. Walter  
**Clerk:** Paul P. Henderson

#### **Government Affairs**

**Chair:** Maria R. Whyte  
**Vice-Chair:** Thomas A. Loughran  
**Members:** Lynn M. Marinelli  
Dino J. Fudoli  
Raymond W. Walter  
**Clerk:** Andrew A. Kulyk

#### **Economic Development**

**Chair:** Timothy J. Whalen  
**Vice-Chair:** Christina W. Bove  
**Members:** Daniel M. Kozub  
Raymond W. Walter  
Edward A. Rath, III  
**Clerk:** James C. Gambino

#### **Energy & Environment**

**Chair:** Daniel M. Kozub  
**Vice-Chair:** Betty Jean Grant  
**Members:** Thomas J. Mazur  
Lynne M. Dixon

#### **Public Safety**

**Chair:** Christina W. Bove  
**Vice-Chair:** Timothy J. Whalen  
**Members:** Daniel M. Kozub  
Lynne M. Dixon

Clerk: John J. Mills  
James Cerroni

Clerk: John J. Mills  
Sandra Rosenswie

**Community Enrichment**

**Chair:** Thomas A. Loughran  
**Vice-Chair:** Betty Jean Grant  
**Members:** Thomas J. Mazur  
Kevin R. Hardwick  
Edward A. Rath, III  
**Clerk:** James C. Gambino

Item 34 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-14 from LEGISLATOR MARINELLI Re: Letter to Chair Miller-Williams  
Concerning 2011 Committee Assignments

Received and Filed.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 35 – (COMM. 1E-1) Copy of the External Auditor's Management Letter for EC for the  
Year Ended 12/31/2009

Item 36 – (COMM. 1E-2) Efficiency Grant Request

The above two items were received and referred to the FINANCE & MANAGEMENT  
COMMITTEE.

**FROM LEGISLATOR MILLS**

Item 37 – (COMM. 1E-3) Reappointment of Ronald Smith to the EC Fisheries Advisory  
Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 38 – (COMM. 1E-4) Memo Concerning Monthly Budget Monitoring Reports

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 39 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

RE: Request Reallocation of Position  
- 2011 Budget  
(COMM. 1E-5)

WHEREAS, there is a vacancy in the position of Senior Accounting Analyst in the Division of Audit and Control in the Erie County Comptroller's Office due to the retirement of the incumbent effective December 31, 2010 (his last day was December 23, 2010); and

WHEREAS, given the operational needs of the Division of Audit and Control and the imperative to conduct audits and reviews in 2011, it is essential that the function performed by this position, as well as other functions in the Comptroller's Office be maintained; and

WHEREAS, the Comptroller has determined that the Comptroller's Office can best operate by reallocating the position; and

WHEREAS, Section 2607 of the Erie County Charter states that the independent elected officials, including the County Comptroller, have the power to manage their departments within the parameters of the adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby ratifies the Erie County Comptroller's Office deletion of the position of Senior Accounting Analyst (position number 8142) effective December 31, 2010 (B-100 number 5955); and be it further

RESOLVED, that the deleted position, with a budgeted 2011 salary of \$72,817 is hereby reallocated to the new position of Associate Deputy Comptroller (position number 588) at Step 2 (\$71,069) effective January 1, 2011 (B-100 number 5955), and a "double-fill" is hereby ratified as necessary for the separated employee's cash-out of accumulated vacation and compensatory time; and be it further

RESOLVED, that the Commissioner of Personnel, Director of Budget and Management and the Erie County Comptroller are hereby directed to make any budget, personnel and accounting adjustments required for this reallocation; and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of Personnel, Director of Budget and Management and the County Executive are directed to immediately facilitate and approve the necessary entries to facilitate the reallocation in the Comptroller's Office effective January 1, 2011, including any approving any required B-100, F-77 and PO1 entries in the County's SAP system; and be it further



RESOLVED; that certified copies of this resolution be sent to the Office of the County Executive; the Department of Personnel; the Division of Budget and Management; and the Office of the Comptroller.

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.  
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

RE: Requesting Authorization to  
Accept Efficiency Grant Funds –  
EC Comptroller's Office 2011  
Operations  
(COMM. 1E-6)

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”), to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] County’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and, if necessary, to develop financial plans on behalf of the County if the County is unwilling or unable to take the required steps toward fiscal stability;” and

WHEREAS, Section 3957(a) of New York State Public Authorities Law provides that, subject to appropriations during State fiscal years 2006-07 through 2010-11, the ECFSA shall provide grants to the County of Erie (the “County”) to support activities that achieve savings through innovations and reengineering; and

WHEREAS, the County Comptroller submitted an efficiency grant application for the purpose of funding positions in the Comptroller’s Office in 2011 to continue the vital audit and review function that has recommended over \$27.7 million of quantified savings and efficiencies since 2006 and the property tax collection function; and

WHEREAS, as indicated on the two (2) attached ECFSA resolutions, the ECFSA Finance Committee met on December 23, 2010 and the full ECFSA board later met that day and voted unanimously to approve two (2) efficiency grants totaling \$639,061 for eight (8) positions in the Comptroller’s Office.

NOW, THEREFORE, BE IT

RESOLVED, based on the ECFSA board's December 23, 2010 approval of the Comptroller's efficiency grant request, ECFSA hereby grants \$639,061 to the Erie County Comptroller's Office to support personal services and fringe benefits for eight (8) positions in the Comptroller's Office in 2011; and the County hereby accepts this funding for that purpose; and be it further

RESOLVED, that the following positions in the Comptroller's Office are hereby authorized to be created in the 2011 County Budget effective January 1, 2011:

Title	B-100 Number	2011 Salary
Senior Auditor	5967	\$72,817
Staff Auditor	5968	\$49,756
Staff Auditor	5969	\$61,452
Staff Auditor	5970	\$61,452
Accountant Auditor	5966	\$47,480
Accountant Auditor	5961	\$39,759
Supervising Accountant	5972	\$57,554
Junior Tax Accountant	5971	\$44,165

and be it further

RESOLVED, that if they have not already done so, the Commissioner of Personnel and Director of Budget and Management are directed to approve the following B-100's effective January 1, 2011: B-100 numbers 5961, 5966, 5967, 5968, 5969, 5970, 5971 and 5972; and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funds, not to exceed \$639,061 in 2011 from ECFSA into the appropriate account(s) to be spent in 2011 for the Comptroller's staff effective January 1, 2011; and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of Personnel, Director of Budget and Management and the County Executive are directed to immediately facilitate and approve the necessary entries to facilitate the funding of the eight (8) positions in the Comptroller's Office effective January 1, 2011, including immediately approving all required B-100, F-77 and PO1 entries in the County's SAP system; and be it further

RESOLVED; that certified copies of this resolution be sent to the Office of the County Executive; the Department of Personnel; the Division of Budget and Management; and the Office of the Comptroller.

**FROM CHAIR MILLER-WILLIAMS**

Item 41 – (COMM. 1E-7) 2011 Schedule of Legislative Sessions - Updated 12/30/2010

Received and Filed.

**FROM THE SHERIFF**

Item 42 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.  
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Office of the Sheriff 2011  
Staffing Realignment  
(COMM. 1E-8)

WHEREAS, the 2011 Budget eliminated various positions in the Office of the Sheriff; and

WHEREAS, after review of these deletions the Sheriff has determined that a more efficient staffing realignment would better serve the Office of the Sheriff in the performance of its duties; and

WHEREAS, any personnel increase contained in the resolution are offset by personnel decreases within the Sheriff's personal services spending accounts in the 2011 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel transactions are hereby authorized effective upon approval of this resolution:

Sheriff Division – Fund Center 115

Cost Center	Title	# of Positions	Job Group	Increase/ (Decrease)
Delete the following positions				
1151010	Administrative Coordinator-Sheriff	1	14	(85,941)
1151010	Chief Of Internal Affairs	1	12	(51,867)
1151010	Technical Sergeant	1	09	(59,812)
1151020	Deputy Sheriff - Civil	1	08	(53,812)
1151030	Warrant Records Clerk	1	05	(27,416)
1151040	Deputy Sheriff (Reserve) PT	<u>7</u>	08	<u>(109,135)</u>
Delete Total		12		(387,983)
Add (restore deleted positions)				
1151010	Account Clerk Typist - Civil	1	04	26,431
1151010	Legal Stenographer (Sheriff)	1	06	40,608

1151010	Receptionist	3	03	80,350
1151030	Receptionist	2	03	55,505
1151060	Receptionist	<u>1</u>	03	<u>31,140</u>
Add Total		8		234,034

Add (restore deleted positions at lower grade)

	Exec. Assistant-Public Relations			
1151010	(JG 10 to JG 8)	1	8	47,923
	Secretary, Sheriff			
	(JG 8 to JG 6)	<u>1</u>	6	<u>37,336</u>
Add at Lower Grade Total		2		85,259

Upgrade

	Administrative Assistant (Sheriff)			
1151010	(JG 9 to JG 10)	1	JG 9-10	3,934
1151010	Under Sheriff (JG 16 to JG 17)	1	JG 16-17	8,218
	Chief Of Violence Prev Edu &			
1151060	Dom Viol Pr (JG 14 to JG 15)	<u>1</u>	JG 14-15	<u>9,177</u>
Total Upgrade		3		21,329

Budgeted funding decrease

	Deputy Sheriff (Reserve) PT			
1151010	Budgeted funding decrease for remaining PT positions			<u>(32,491)</u>

Total Sheriff Division Increase/(Decrease) (79,852)

Jail Management Division – Fund Center 116

Delete		# of Positions	Job Group	Increase/(Decrease)
1161010	1st Deputy Superintendent HC	1	13	(70,760)
1163020	Correction Lieutenant	<u>1</u>	11	<u>(62,872)</u>
Delete Total		2		(133,632)

Add (restore deleted positions)

1161010	Account Clerk (Sheriff)	1	04	25,915
1161010	Receptionist	5	03	137,873
1161020	Receptionist	<u>2</u>	03	<u>49,696</u>
Add Total		8		213,484

Total Jail Management Increase/(Decrease) 79,852

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Director of Budget and Management to adjust funding in the 2011 Budget in order to implement this request:

2011 Budget Fund 110

	Increase/ (Decrease)
Appropriation	
Jail Management Division Fund Center 116	
Account 500000 Full Time Salaries	79,852
 Sheriff Division Fund Center 11510	
Account 500000 Full Time Salaries	61,774
Account 500010 Part Time Salaries	<u>(141,626)</u>
Total Sheriff Division	(79,852)
Net	0

and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the Sheriff, the County Executive's Office, the Comptroller's Office, the Commissioner of Personnel, the County Attorney, and the Director of Budget and Management.

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 1E-9) 2011 Budget Adjustment - Department of Public Works

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 44 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Create One Senior Cashier  
Position - EC Charter  
Compliance  
(COMM. 1E-10)

WHEREAS, the Erie County Charter Section 402(a), as revised, as well as provisions of the Erie County Tax Act, make it clear that the legal responsibility for the collection of Erie County real property taxes rests with the Department of Real Property Tax Services; and

WHEREAS, the personnel who actually perform the tax collection function were transferred to the Comptroller's Office in connection with the 2006 Charter changes where the Comptroller's Office has administered the tax collection function since May 2007; and

WHEREAS, upon further review and it has been determined that one Senior Cashier position responsible for performing these functions should be created in the Department of Real Property Tax Services; and

WHEREAS, funding for this position is currently available in grant 111CPTA0708 in the Department of Real Property Tax Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to create one Senior Cashier position, job group 7, in the Department of Real Property Tax Services effective January 1, 2011; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to make the following adjustments to the 2011 Budget in order to establish said positions in the Department of Real Property Tax Services:

2011 Budget  
Fund 110

Appropriation	Increase/(Decrease)
Department of Real Property Tax Services Fund Center 11110	
Account 500000 Full Time Salaries	43,880
Account 502000 Fringe Benefits	17,208
Account 911100 Interdepartmental Billing Real Property	<u>(61,088)</u>
Total Real Property	-0-

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget of grant 111CPTA0708 in the Department of Real Property Tax Services to establish the appropriate interdepartmental billing charges; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, the Commissioner of Personnel and Director of Real Property Tax Services.

Item 45 – (COMM. 1E-11) Personnel Adjustment

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE EC MEDICAL DIRECTOR**

Item 46 – (COMM. 1D-1) Proposed Agenda for Meeting to be Held 1/13/2011

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 47 – (COMM. 1D-2) Transmittal of New Claim Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF SIX SIGMA**

Item 48 – (COMM. 1D-3) Six Sigma Quarterly Status Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 49 – (COMM. 1D-4) Budget Monitoring Report for the Period Ending 11/30/2010 & Year-End Projection

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

Item 50 – (COMM. 1D-5) Vacancy Report as of 12/29/2010

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE CLERK OF THE LEGISLATURE**

Item 51 – (COMM. 1D-6) Agenda Items Received & Filed as of 12/31/10

Received, Filed and Printed.

**Erie County Legislature**

**In accordance with Section 5.05 of the Legislature's 2010 Rules of Order  
Agenda Items Received & Filed as of 12/31/10**

*Listed by Legislature Committee*

**ITEM NUMBER                      FROM                      SUBJECT**

**Community Enrichment Committee:**

INTRO 6-2 (2009)	RATH	Supporting a Study to Examine Relocation of the Williamsville Branch of the Buffalo & Erie County Public Library to Old Red Mill in Williamsville
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**Economic Development Committee:**

INTRO 5-12 (2009)	MARINELLI, KENNEDY,	Calling for the Re-
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	MILLS, MILLER-WILLIAMS, WALTER & GRANT	Authorization of Authority Granted Countywide Industrial Development Agency Financing of Civic Facilities
INTRO 7-6 (2009)	IANNELLO, MARINELLI & LOUGHRAN	Create a Task Force for Kenmore Avenue from Military Road to Main Street
INTRO 8-6 (2009)	RATH, MILLS & WALTER	The Necessity of Wicks Law Reform
INTRO 8-7 (2009)	RATH & WALTER	Opposing NYS Assembly Bill A. 1789, Requiring Prevailing Wage Be Paid on Any Project Financed by an Industrial Development Agency
INTRO 10-4 (2009)	RATH, MILLS & WALTER	The Need to Reform NYS Labor Law 240
COMM. 12E-11 (2009)	COUNTY EXECUTIVE	NYSDOT Federal Aid Bridge Painting Project – Agreement - Committee Agenda Placeholder
COMM. 13E-14 (2009)	COUNTY EXECUTIVE	Bond Description Amendment - Design Work for Landslides & Roads – Committee Agenda Placeholder

Government Affairs Committee:

LL INT. 4-1 (2009)	KENNEDY	A LOCAL LAW in relation to reducing the size of the Erie County Legislature and changing the term of office for members of the Erie County Legislature
LL INT. 6-1 (2009)	MILLS, RATH & WALTER	A Local Law in relation to limiting the terms of office of Erie County elected officials
LL INT. 7-1 (2009)	KONST & IANNELLO	A Local Law, to Reform the



Erie County Charter by  
Limiting the Term of Office  
that an Elected County  
Legislator can Hold

INTRO 11-5 (2009)

WHYTE

Domestic Partnership  
Benefits for Erie County  
Employees

INTRO 19-5 (2009)

RATH, MILLS  
& WALTER

Calling Upon NYS to  
Approve A. 9157 and  
S. 6156, the "People's  
Convention to Reform New  
York Act"

Energy & Environment Committee:

COMM. 21E-18 (2009)

COUNTY EXECUTIVE

Open Item - Sewer District  
Bond Authorization

Finance & Management Committee:

INTRO 18-1 (2009)

WALTER, MILLS  
& RATH

Calling upon NYS to Repeal  
the 2% Utility Tax

Health & Human Services Committee:

INTRO 12-4 (2009)

MILLS, KOZUB,  
WALTER, KONST  
& RATH

Opposing NYS Senate Bill  
S. 5791 and Assembly Bill  
A. 8742, Raising Disability  
Costs, Which Would Cripple  
Small Businesses Across  
NYS

Public Safety Committee:

No Items

FROM THE ACTING DIRECTOR, EC PROBATION DEPARTMENT

Item 52 – (COMM. 1D-7) Nomination to Serve on EC Community Corrections Advisory  
Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMMISSIONER OF MENTAL HEALTH

Item 53 – (COMM. 1D-8) Nomination to Serve on EC Community Corrections Advisory  
Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM SUPREME COURT JUSTICE GLOWNIA**

Item 54 – (COMM. 1M-1) Ruling in the Matter of Comptroller v. County Executive, Et Al

Received and Filed.

**FROM THE CONCORD TOWN CLERK**

Item 55 – (COMM. 1M-2) Copy of Resolution Concerning Funding to the Buffalo & EC Public Library System

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE EAST AURORA FIRE CONTROL CHIEF'S ASSOCIATION**

Item 56 – (COMM. 1M-3) Letter of Support to Fill a Vacancy on the Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE PARTNERSHIP FOR THE PUBLIC GOOD**

Item 57 – (COMM. 1M-4) Letter to Legislature Concerning the Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM EMPIRE STATE DEVELOPMENT**

Item 58 – (COMM. 1M-5) Notice of Completion, Draft Generic Environmental Impact Statement & Adoption of General Project Plan - Richardson Olmsted Complex - Civic & Land Use Improvement Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 59 – (COMM. 1M-6) Letter to Chair Miller-Williams Concerning Funding to the Buffalo & EC Public Library System

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE NFTA**

Item 60 – (COMM. 1M-7) Minutes of Meeting Held 11/22/2010

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM SENATOR THOMPSON**

Item 61 – (COMM. 1M-8) Emerald Ash Borer Threatens Our Communities

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 62 – (COMM. 1M-9) Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2012 - 2016

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 63 – (COMM. 1M-10) Fact Sheet: Brownfield Cleanup Program - 1132-1146 Seneca Street Site in Buffalo

Item 64 – (COMM. 1M-11) Fact Sheet: Brownfield Cleanup Program - Niagara Transformer Site in Cheektowaga

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE ASSIGNED COUNSEL PROGRAM**

Item 65 – (COMM. 1M-12) Nomination to Serve on EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 66 – CHAIR MILLER-WILLIAMS announced that the committee assignment memorandum has been submitted for 2011. (Refer to Item 33, under Suspension of the Rules)

**MEMORIAL RESOLUTIONS**

Item 67 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Jean Lenihan, Arnold Gardner, and Alan Dressler.

Item 68 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Charles H. V. Ebert.

Item 69 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Isabel Schulte, George Phillips, Seigfried A. Wasse, Fred R. Parks, Lester Herrmann, Ron Borden, Robert F. Cosgrove, Mark Brown, Raymond Gress Sr., Rebecca Daunce, Dorothy Coztanzo, and Francis Proefrock.

Item 70 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Jane Vicaretti, Rose Conti, Dr. Bernard Muscato, and Mary Batista.

Item 71 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Richard S. Kwieciak.

Item 72 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Jack Sweeney.

Item 73 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Roland W. Moppert.

### **ADJOURNMENT**

Item 74 – At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, January 20, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, January 20, 2011 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**