

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 6, 2014**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Dixon, who offered a brief prayer.

The Pledge of Allegiance was led by Mr. Hardwick.

Item 1 – MR. LORIGO moved to take the Rules of the Legislature for 2013 off the table.
MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

**2014
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 8th 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. Public hearings prior to consideration of a local law shall be conducted a minimum of 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 caucuses which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. A caucus shall be defined as a group of members or adherents of the same political party. The leader of the caucus whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other caucus 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 caucus nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one caucus 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 Email, 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. Each legislator shall be entitled to four (4) annual presentations including citizen of the month, with no regular session having more than two (2) presentations. Selection of presentation shall be determined by the order in which requests are filed with the Clerk of the Legislature;
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 five members each (including a Chair, Vice-Chair and three members), except the Finance & Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five 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 of the Legislature 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

Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health & Human Services
Minority & Women Business Enterprise
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 submit the tentative budget, with such amendments or changes therein as the committee may determine, 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.

MR. LORIGO moved to approve the Rules of the Legislature for 2014. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – No minutes from the previous meeting.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a resolution Congratulating Boy Scout James P. Oatman, Troop 524, on Achieving the Rank of Eagle Scout.

Item 6 – MR. MILLS presented a resolution Congratulating Boy Scout Brandon R. Sullivan, Troop 524, on Achieving the Rank of Eagle Scout.

Item 7 – MR. LORIGO presented a resolution Honoring Consumer Credit Counseling Services of Buffalo, Inc. on being Named the West Seneca Chamber of Commerce Business of the Year.

Item 8 – MR. LORIGO presented a resolution Honoring Daniel Berger on Being Named the West Seneca Chamber of Commerce Citizen of the Year.

Item 9 – MR. LORIGO presented a resolution Honoring Valor on Being Named the West Seneca Chamber of Commerce Community Organization of the Year.

Item 10 –MR. LORIGO presented a resolution Honoring Brian Schulz on Being Named the West Seneca Chamber of Commerce Educator of the Year.

Item 11 – MR. LORIGO presented a resolution Honoring Timothy A. Oldenburg on Being Named the West Seneca Chamber of Commerce Chamber Member of the Year.

Item 12 – MR. LORIGO presented a resolution Commending the Western New York Federal Credit Union on Fifty Years of Service.

Item 13 – MR. RATH presented a resolution Honoring the Dash Family and Dash's Market for Continuous and Exceptional Business Service.

Item 14 – MR. RATH presented a resolution Honoring Jessica Strom for Exceptional Achievement and Years of Service.

Item 15 – MR. RATH presented a resolution Honoring James A. Marshall for Educational and Community Service.

Item 16 – MR. RATH presented a resolution Honoring James A. Bennett for Community Service and Being Named the Clarence Chamber of Commerce 2014 Lifetime Achiever of the Year.

Item 17 – MR. RATH presented a resolution Honoring Clarence Hollow Farmers' Market on Being Named the Clarence Chamber of Commerce 2014 Organization of the Year.

MR. LORIGO moved for consideration of the above thirteen items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above thirteen items by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above thirteen items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 18 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2014 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 19 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

January 30, 2014	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-12 (2014)
COUNTY EXECUTIVE: “Erie County Sewer District No. 4, Engineering Agreement Dated June 20, 2011, Wendell - Change Order No. 1”
(6-0)
2. COMM. 2E-10 (2014)
COUNTY EXECUTIVE
WHEREAS, Erie County is planning to construct the Lake Shore Shoreline Trail Multi-Use Pathway Phase 2 trail; and

WHEREAS, National Grid Electric Company in-conjunction with the Lake Shore Shoreline Multi-Use Pathway Trail Phase 2 must relocate several utility poles onto E.C./ECSD No.2’s property as part of the project, and is requiring that the County grant National Grid access through a utility easement; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the utility easement be granted to National Grid; and

WHEREAS, the Erie County Advisory Review Committee has reviewed the easement request and recommends to the County Legislature and County Executive that the utility easement be granted, and the easement be executed by the County Executive, subsequent to Legislative approval, and approval as to form by the County Attorney.

NOW, THEREFORE BE IT

RESOLVED, that the easement for access to services and relocation of utility poles be granted to National Grid; and be it further

RESOLVED, that the County Executive and/or the Commissioner of Environment and Planning on the County Executive's behalf is authorized to execute the utility easement with National Grid, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this Resolution to the County Executive; Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph Fiegl, P.E., Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10th Floor.
(6-0)

3. COMM. 2E-11 (2014)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to eliminate the Blasdell Wastewater Treatment Plant, several pumping stations, and sanitary sewer overflows by constructing the Rush Creek Interceptor; and

WHEREAS, Erie County and CSX Transportation, Inc., Norfolk Southern Railway Company, and the Erie County Industrial Development Agency must have license agreements to allow for the Rush Creek Interceptor to cross under the railroad right of ways; and

WHEREAS, the County of Erie and CSX Transportation, Inc., Norfolk Southern Railway Company, and the Erie County Industrial Development Agency will negotiate lump sum payments for the costs associated with each agreement, which may include administration fees, Railroad Protective Liability Insurance, and annual rent.

NOW, THEREFORE, BE IT

RESOLVED, that license agreements between the County of Erie, on behalf of Erie County Sewer District No. 3, and CSX Transportation, Inc., Norfolk Southern Railway Company, and the Erie County Industrial Development Agency in an amount not-to-exceed \$12,000 each are hereby approved for the Rush Creek Interceptor project; and be it further

RESOLVED, the County Executive be, and hereby is authorized to, execute the necessary agreements with CSX Transportation, Inc., Norfolk Southern Railway Company, and the Erie County Industrial Development Agency for the Rush Creek Interceptor project, subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate \$36,000.00 from Erie County Sewer District No. 3 Account C.00012 for payment of said agreements; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Division of Sewerage Management.

(6-0)

4. COMM. 2E-13 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2013-2014 snowmobile season in the amount not to exceed \$179,865; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$179,865 as pertains to snowmobile trail maintenance performed during the 2013-2014 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$179,865.00 for the purpose of snowmobile trail maintenance on club trails during the 2013-2014 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$20,160.00
Eden Trail Blazers Inc.	\$ 9,450.00
Grand Island Snowmobile Club Inc.	\$ 5,355.00
Hamburg Snowmobile Club Inc.	\$20,475.00
Holland Sno-Rascals Inc.	\$23,940.00
Marilla Sno-Mob Inc.	\$15,750.00
Northern Erie Snowseekers Inc.	\$19,215.00
Pioneer Sno-Surfers Inc.	\$11,655.00
Southern Tier Snowdrifters Inc.	\$21,735.00
WNY Snowmobile Club of Boston Inc.	<u>\$32,130.00</u>
	\$179,865.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account

409010, in the amount of \$179,865, as well as an increase in appropriations in the amount of \$179,865, in the Department of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payments to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, the Office of the Erie County Comptroller and Assistant County Attorney Kristen Walder of the Department of Law.

(6-0)

5. COMM. 2E-14 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry requests legislative authorization to delete a vacant General Crew Chief position and create a Park Superintendent position to help provide management oversight and supervision of blue collar Parks employees by a white collar position; and

WHEREAS, the creation of this new position and deletion of the vacant position will result in savings to the County budget in 2014 due to the lower cost of the Park Superintendent title compared to the existing General Crew Chief salary of \$59,543.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation and Forestry is hereby authorized to delete General Crew Chief position 51006955 (JG 11), and to create a Park Superintendent JG 11 position as noted in B-100 #7642; and be it further

RESOLVED, that the Commissioner of Parks, Recreation and Forestry, Commissioner of Personnel, and Division of Budget and Management are hereby authorized to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution to the County Executive's Office, the Commissioner of Personnel, the Director of Budget and Management and the Department of Parks, Recreation and Forestry.

(6-0)

TED B. MORTON
CHAIR

Item 20 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

	COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. INTRO. 9-6 (2013)
HARDWICK & RATH

WHEREAS, unlike some states, New York State does not allow the opportunity for recall elections when a substantial number of voters feel that their representative is unable to perform his or her duties; and

WHEREAS, permitting recall elections would serve as an incentive to elected officials to be more receptive and responsive to their constituents; and

WHEREAS, permitting recall elections would serve as a disincentive to elected officials to behave unethically or illegally; and

WHEREAS, New York State Assembly Bill 5392 and Senate Bill 2214 seek to create the opportunity to recall an elected official upon presenting a petition signed by a number of constituents equal to twenty percent of the total votes cast in that official's election; and

WHEREAS, before becoming law, the New York State Constitution must be amended to permit a recall; and

WHEREAS, as such, the New York State Senate and Assembly must approve resolutions supporting the Constitutional amendment at two consecutive sessions, followed by the amendment being voted on as a public referendum; and

WHEREAS, passing New York State Assembly Bill 5392 and Senate Bill 2214 are the first steps in the process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Assembly Bill 5392 and Senate Bill 2214, the first step in creating a Constitutional vehicle to permit a recall election; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.
(5-1) Legislator Miller-Williams voted in the negative.

2. COMM 2E-17 (2014)
COUNTY CLERK

WHEREAS, in order for the Erie County Clerk to continue his practice of hiring the most qualified individual to fill positions within the office; and

WHEREAS, a vacancy will exist in the position of Special Assistant to the County Clerk and due to the significant and growing workload and range of responsibilities this position requires a highly skilled individual, and

WHEREAS, it is necessary to recruit for the position of Special Assistant to the County Clerk at Job Group 10, Step 3; and

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the County Executive; and

WHEREAS, funds are available in the personal services appropriations of the County Clerk's 2014 Adopted Budget and will have no additional costs to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum, Step 3, for the position of Special Assistant to the County Clerk (position #9985) in Fund Center 11310; and be it further resolved

RESOLVED, that the Budget Director and Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Director of Budget and Management, the County Comptroller and the Commissioner of Personnel.
(6-0)

3. COMM 2E-18 (2014)
COUNTY CLERK

WHEREAS, the Erie County Clerk's Registrar Division is responsible for the recording, filing, indexing and maintaining of all records affecting title to real property; and

WHEREAS, once the original land records are recorded, the information entered into the Clerk's official records must be verified for complete accuracy; and

WHEREAS, a backlog in verifying the accuracy of the indexing information currently exists and necessary resources to eliminate this backlog are not available within the Clerk's 2014 adopted budget; and

WHEREAS, the Clerk's Office and CSEA have entered into a Memorandum of Understanding that would allow for the one-time outsourcing of this work to a qualified vendor; and

WHEREAS, the Clerk's Office/Registrar Division has identified a funding source to pay for this one-time project from unanticipated revenues recorded in the 2013 revenue lines of the Clerk's Office and designated for reappropriation into 2014.

NOW, THEREFORE, BE IT

RESOLVED, that upon approval of this resolution the Erie County Clerk will issue an RFP to identify the most qualified vendor to perform document verification services and will seek appropriate legislative approval before entering into any contract; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the allocation of the following funds from unanticipated revenues to adjust the Clerk's 2013 Budget as follows:

2013 Budget - County Clerk, Business Area 113
Fund Center 11310-Registrar Division

	<u>Increase</u>
415150 Recording Fees	\$130,000
516020 Professional Services, Contracts & Fees	\$130,000

; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the carry forward of this appropriation to the Clerk's 2014 Budget; and be it further

RESOLVED, that the Budget Director and Comptroller may make any changes necessary to effectuate the implementation of this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Director of Budget and Management, and the County Comptroller.
(6-0)

4. COMM 2E-19 (2014)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling \$592,541 to the County for the provision of indigent defense services at first appearance, and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society to deliver the services required through the grant,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$592,541 over three years to provide from June 1, 2013 to May 31, 2016 to provide enhanced representation to indigent defendants at first appearance; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a three year subcontract with the Erie County Bar Association Aid to Indigent Prisoners Society to deliver said services from June 1, 2013 to May 31, 2016; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
Grant Fund 281
June 1, 2013 to May 31, 2016

Revenue	Increase
Account 409000 - State Aid Revenue	\$592,541

Appropriation	Increase
Account 516602 - EC Bar Association	\$592,541

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.
(6-0)

KEVIN R. HARDWICK
CHAIR

Item 21 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

January 30, 2014	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-20 (2014)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging (NYSOFA) has recently awarded the Department of Senior Services \$34,128 of Medicare Improvements for Patients and Provider Act (MIPPA) grant funds for the period September 30, 2013 through September 29, 2014; and

WHEREAS, the funds are to be utilized for the purpose of enhancing the Department of Senior Services outreach efforts to beneficiaries on Medicare Part D, particularly those on limited incomes or living in rural areas of the County, as well as informing all Medicare beneficiaries about Medicare prevention and wellness benefits; and

WHEREAS, the grant is 100% federally funded and does not require a local share.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract with NYSOFA to accept the MIPPA funding for the period September 30, 2013 to September 29, 2014; and be it further

RESOLVED, the County Executive be and is hereby authorized to enter into contracts and amendments with NYSOFA to effectuate adjusted funding levels; and be it further

RESOLVED, that the budget for the 163MIPPA/ADRC1314 grant, be established as follows:

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
505000	Office Supplies	\$ 500
510000	Local Mileage	
	Reimbursement	\$ 800
516020	Professional Services	
	& Fees	\$26,928
530000	Other Expenses	\$ 4,100
561410	Lab & Tech Equipment	<u>\$ 1,800</u>
	TOTAL CHANGE	<u>\$34,128</u>
REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	<u>\$34,128</u>
	TOTAL CHANGE	<u>\$34,128</u>

and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the NYSOFA approved funding levels; and be it further.

RESOLVED, that certified copies of this resolution be forwarded to the County Executive Office, the Division of Budget and Management, the Comptroller's Office and the Department of Senior Services.

(6-0)

LYNNE M. DIXON
CHAIR

Item 22 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

January 30, 2014	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-15 (2014)
COMPTROLLER: “Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Sept, Oct, Nov 2013”
(6-0)
 - b. COMM. 2D-3 (2014)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending November 2013”
(6-0)
 - c. COMM. 2D-4 (2014)
COMPTROLLER’S OFFICE: “November 2013 Sales Tax”
(6-0)

2. COMM. 1D-8 (2014)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 214002 through 214027 , inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2014	Petition No.	214,002.00
ASSESSOR	Cancel	\$985.35

S-B-L 80.08-5-73 32 S Long St 142201 WILLIAMSVILLE

	Acct. No. 112	\$467.04	County
	Acct. No. 132	\$518.31	Town/SpecialDist/School
<u>Charge To :</u>	142201 WILLIAMSVILLE	\$518.31	

RPTL 550(3): House demolished in 2011
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 214,003.00

ASSESSOR Cancel \$1,044.70
S-B-L 92.14-5-13 40 Biscayne Dr 143089 CHEEKTOWAGA

	Acct. No. 112	\$365.63	County
	Acct. No. 132	\$679.07	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$679.07	

RPTL 550(2): Failed to apply combat and disabled veterans exemptions
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 214,004.00

ASSESSOR Cancel \$1,078.33
S-B-L 103.05-8-27 82 Leni Ln 143089 CHEEKTOWAGA

	Acct. No. 112	\$377.40	County
	Acct. No. 132	\$700.93	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$700.93	

RPTL 550(2): Failed to apply aged exemption.
New tax bill to be issued.

FISCAL YEAR 2013 Petition No. 214,005.00

ASSESSOR Refund \$1,324.92
S-B-L 103.05-8-27 82 Leni Ln 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,324.92	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$1,324.92	
	Relevy School	\$1,324.92	143002 CHEEK. UNION #2

RPTL 550(2): Failed to apply aged exemption.
Refund to be issued to: Jean Williams

FISCAL YEAR	2014	Petition No.	214,006.00
ASSESSOR	Cancel	\$238.27	
S-B-L	101.28-3-11/BB	Genesee St	143089 CHEEKTOWAGA
	Acct. No. 112	\$83.39	County
	Acct. No. 132	\$154.88	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$154.88	

RPTL 550(3): Billboard located on demolished building.
New tax bill to be issued.

FISCAL YEAR	2014	Petition No.	214,007.00
ASSESSOR	Cancel	\$161.50	
S-B-L	92.19-2-13	160 Banko Dr	143089 CHEEKTOWAGA
	Acct. No. 112	\$161.50	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$0.00	

RPTL 550(2): Senior exemption not applied.
New tax bill to be issued.

FISCAL YEAR	2014	Petition No.	214,008.00
ASSESSOR	Cancel	\$832.47	
S-B-L	114.08-7-7	569 Rowley Rd	143003 DEPEW
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$832.47	Town/SpecialDist/School
<u>Charge To :</u>	143003 DEPEW	\$832.47	

RPTL 550(2): Special district applied in error.
New tax bill to be issued.

FISCAL YEAR	2014	Petition No.	214,009.00
ASSESSOR	Cancel	\$211.22	
S-B-L	125.11-11-17	96 Rondelay Dr	143089 CHEEKTOWAGA
	Acct. No. 112	\$211.22	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$0.00	

RPTL 550(2): Error in computation of aged exemption
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 214,010.00

 ASSESSOR Cancel \$776.77
S-B-L 113.50-8-8 27 Constance Ln 143089 CHEEKTOWAGA

 Acct. No. 112 \$229.28 County
 Acct. No. 132 \$547.49 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$547.49

RPTL 550(2): Error in computation of exemption.
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 214,011.00

 ASSESSOR Cancel \$197.69
S-B-L 92.20-9-13 57 Claude Dr 143003 DEPEW

 Acct. No. 112 \$197.69 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 143003 DEPEW \$0.00

RPTL 550(2): Failed to apply aged exemption.
New tax bill to be issued.

FISCAL YEAR 2012 Petition No. 214,012.00

 ASSESSOR Refund \$273.86
S-B-L 208.00-3-10.1 2891 Bauer Rd 144000 EDEN

 Acct. No. 112 \$156.64 County
 Acct. No. 132 \$117.22 Town/SpecialDist/School
Charge To : 144000 EDEN \$117.22

RPTL 550(2): Failed to apply change in assessed value.
Refund to be issued to: John A. & Dorothy M. Bauer

FISCAL YEAR 2013 Petition No. 214,013.00

 ASSESSOR Refund \$271.83
S-B-L 208.00-3-10.1 2891 Bauer Rd 144000 EDEN

	Acct. No. 112	\$153.76	County
	Acct. No. 132	\$118.07	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$118.07

RPTL 550(2): Failed to apply change in assessed value.
Refund to be issued to: John A. & Dorothy M. Bauer

FISCAL YEAR 2014 Petition No. 214,014.00

	ASSESSOR	Cancel	\$3,350.00
S-B-L	142.45-2-34	56 Edna Pl	140900 LACKAWANNA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,350.00	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$3,350.00	
<u>Charge To :</u>	140900 LACKAWANNA		\$0.00

RPTL 550(2): Error in special district computation.
New bill to be issued.

FISCAL YEAR 2014 Petition No. 214,015.00

	ASSESSOR	Cancel	\$404.38
S-B-L	64.06-1-17	1703 Fix Rd	144600 GRAND ISLAND

	Acct. No. 112	\$254.91	County
	Acct. No. 132	\$149.47	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND		\$149.47

RPTL 550(2): Prorate veterans exemption calculated improperly.
New tax bill to be issued.

FISCAL YEAR 2014 Petition No. 214,016.00

	ASSESSOR	Cancel	\$20.07
S-B-L	181.00-1-5.11/C	Pleasant Ave	144889 HAMBURG

	Acct. No. 112	\$9.18	County
	Acct. No. 132	\$10.89	Town/SpecialDist/School
	48115 ERIE CO SEW DST 3	\$1.36	
<u>Charge To :</u>	144889 HAMBURG		\$9.53

RPTL 550(2): Error in computing non-profit exemption.
New tax bill to be issued.

FISCAL YEAR	2013	Petition No.	214,017.00
	ASSESSOR	Refund	\$473.00
S-B-L	47.11-2-63	8 Marshall Ave 145601 AKRON	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$473.00	Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON	\$473.00	
	Relevy School	\$473.00	145601 AKRON CENTRAL

RPTL 550(2): Basic STAR exemption was removed in error.
Refund to be issued to: Nelson & Karin Rappold

FISCAL YEAR	2014	Petition No.	214,018.00
	ASSESSOR	Cancel	\$223.66
S-B-L	67.21-4-10	142 Fries Rd 146489 TONAWANDA	
	Acct. No. 112	\$98.32	County
	Acct. No. 132	\$125.34	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$125.34	

RPTL 550(2): Failed to apply veterans exemption.
New tax bill to be issued.

FISCAL YEAR	2014	Petition No.	214,019.00
	ASSESSOR	Cancel	\$441.51
S-B-L	66.43-2-61	184 Abbingtonn Av 146489 TONAWANDA	
	Acct. No. 112	\$194.10	County
	Acct. No. 132	\$247.41	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$247.41	

RPTL 550(2): Failed to apply veterans disability exemption
New tax bill to be issued.

FISCAL YEAR	2013	Petition No.	214,020.00
	ASSESSOR	Refund	\$119.90
S-B-L	54.70-3-8	162 Wrexham Ct S 146489 TONAWANDA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$119.90	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$119.90	

FREE Relevy School \$119.90 146401 KEN-TON UNION

RPTL 550(2): Error in computation of senior exemption
Refund to be issued to: Josephine Dwyer (LU)

FISCAL YEAR 2014 Petition No. 214,021.00

 ASSESSOR Cancel \$39.41
S-B-L 54.70-3-8 162 Wrexham Ct S 146489 TONAWANDA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$39.41 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$39.41

RPTL 550(2): Error in computation of senior exemption
New tax bill to be issued.

FISCAL YEAR 2013 Petition No. 214,022.00

 ASSESSOR Refund \$1,559.83
S-B-L 115.28-6-24.1 3 Huntley Dr 145203 LANCASTER

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,559.83 Town/SpecialDist/School
Charge To : 145203 LANCASTER \$1,559.83
 Relevy School \$1,559.83 145201 LANCASTER

CENTRAL

RPTL 550(3): Building demolished before taxable status date
Refund to be issued to St. Elizabeth Home of Lanaster

FISCAL YEAR 2014 Petition No. 214,023.00

 ASSESSOR Cancel \$1,255.67
S-B-L 115.28-6-24.1 3 Huntley 145203 LANCASTER

 Acct. No. 112 \$496.57 County
 Acct. No. 132 \$759.10 Town/SpecialDist/School
52700 ERIE CO SEW #4 \$66.02
52701 ECSD #4 \$170.00
Charge To : 145203 LANCASTER \$523.08

RPTL 550(3): Building demolished before taxable status date
New tax bill to be issued

FISCAL YEAR	2014	Petition No.	214,024.00
	OWNER	Cancel	\$106.43
S-B-L	41.08-9-1/5	74 Forestlake Dr 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$106.43	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$106.43	

RPTL 550(2): Incorrect consumption applied to water district
New tax bill to be issued

FISCAL YEAR	2014	Petition No.	214,025.00
	ASSESSOR	Cancel	\$421.14
S-B-L	67.72-4-26	317 Springville Ave 142289 AMHERST	
	Acct. No. 112	\$232.49	County
	Acct. No. 132	\$188.65	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$188.65	

RPTL 550(2): Failed to appy low income senior exemption
New tax bill to be issued

FISCAL YEAR	2014	Petition No.	214,026.00
	ASSESSOR	Refund	\$2,457.57
S-B-L	69.09-3-11	109 Troy View Ln 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,457.57	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$2,457.57	

RPTL 550(2): Incorrect consumption applied to water district
Refund to be issued to Ayesha H. Patel

FISCAL YEAR	2013	Petition No.	214,027.00
	ASSESSOR	Refund	\$560.00
S-B-L	68.07-2-22	112 Siegfried Dr 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$560.00	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$560.00	

CENT Relevy School \$560.00 142203 WILLIAMSVILLE

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Dorothy A. Watt

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 2E-16 (2014)
 COUNTY EXECUTIVE

WHEREAS, the Real Property Tax Services Director has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, which will be known as In Rem Action No. 162, and has furnished this Legislature with the necessary abstracts from the Real Property Tax Services records of such delinquencies.

NOW, THEREFORE BE IT

RESOLVED, that the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Real Property Tax Services Director from the transcripts of properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years; and be it further

RESOLVED, that the County Attorney or his designee conduct and consummate such foreclosure proceedings known as In Rem Action No. 162 as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Office of the County Executive, the Office of Budget and Management, the County Attorney, the Office of the Comptroller and the Office of Real Property Tax Services.
(6-0)

JOSEPH C. LORIGO
CHAIR

Item 23 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

January 30, 2014	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-3 (2014)
EC INDUSTRIAL DEVELOPMENT AGENCY: "Appointment of Glenn R. Nellis"
(6-0)
 - b. COMM. 2M-4 (2014)
NFTA: "NFTA's Five Year Capital Plan"
(6-0)
2. COMM. 2E-7 (2014)
COUNTY EXECUTIVE
WHEREAS, the transportation infrastructure of Southern Erie County was significantly damaged by the storms of early August 2009; and

WHEREAS, Federal Disaster DR-1857-NY was declared for parts of Erie County as a result of the August storms making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM, approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified by FEMA and eligible for reimbursement was PW 867 (Project) on Lenox Road in the Town of Collins; and

WHEREAS, your Honorable Body has previously authorized TY-LIN International as a qualified, Term Agreement General Architectural/Engineering firm via Comm.13E-26 of July 18, 2013; and

WHEREAS, it is desired to construct the Project during the 2014 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute the necessary agreements for design engineering services for the Project with the firm of TY-LIN for an aggregate amount not to exceed \$100,000.00; and be it further

RESOLVED, that funds in the amount of \$100,000.00 be allocated from SAP Account B.20921 - 2009 FEMA 1857-NY Projects for the Project; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 2E-8 (2014)
COUNTY EXECUTIVE

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Advanced Architecture & Planning for providing Professional Design Services on Erie County Projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firm of Advanced Architecture & Planning for providing Professional Architectural/Engineering Services for the 2014 Erie County Highway Facilities-Various Roof Replacement Project; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Service Agreement with Watts Architect & Engineering for providing professional design services, including hazardous material abatement design and monitoring on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Watts Architecture & Engineering for professional A/E Services for testing and designing the hazardous materials portion of the 2014-Erie County Highway Facilities-Various Roof Replacement Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Watts Architecture & Engineering for providing professional engineering services for the testing, surveying and designing of hazardous materials for an amount not to exceed \$30,000.00; and be it

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Advanced Architecture & Planning for providing Professional Architectural/Engineering Services for the 2014- Erie County Highway Facilities-Various Roof Replacement Project, for an amount not to exceed \$100,000.00, including a design contingency; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments from SAP Project 2009 – A.20918- Countywide Roof Replacement & Waterproofing, for an amount not to exceed \$130,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

EDWARD A. RATH, III
CHAIR

Item 24 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

January 30, 2014	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-23 (2014)
COUNTY EXECUTIVE

WHEREAS, the Commissioner of Public Works desires to engage the services of an Architectural/Engineering Consultant to address various alterations at the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an General A/E Agreement with the architectural firm of Kideney Architects, PC for providing Architectural/Engineering Services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the architectural firm of Kideney Architects, PC for providing Architectural/Engineering Services for the various alterations at the ECHC and ECCF.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment to Kideney Architects, PC for providing Architectural/Engineering Services, for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Accounts:

A.11001 – 2011 – Erie County Holding Center Improvements
\$17,447.71

A.13004 – 2013 – County Wide Code & Environmental Compliance

\$15,552.39

A.13006 – 2013 – County Wide Mechanical, Electrical and Plumbing Compliance \$16,999.90

\$50,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

2. COMM. 2E-24 (2014)
COUNTY EXECUTIVE

WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$100,000 in federal assistance to improve and develop tactical team capabilities through equipment, training, exercise and planning projects that support counter terrorism missions in Erie County; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$100,000 in state resources to provide funding to purchase the necessary equipment, provide training and exercise what is learned to enhance the ability of Erie County to manage emergency and disaster situations as well as improve tactical team capabilities; and

WHEREAS, the Department of Emergency Services will work with the Erie County Sheriff's Office, the City of Buffalo and the Niagara Frontier Transportation Authority (NFTA) as this is a partnership grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with the NYS Department of Homeland Security to receive \$100,000.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations, as well as improve tactical team capabilities; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services
FY 2013 Tactical Team Grant

Revenue	Increase
Account 409000 State Aid	\$100,000.00
Appropriations	Increase
Account 510200 Training & Education	\$42,500.00

Account 561410 Equipment (Lab & Tech)	<u>\$57,500.00</u>
Total Appropriations	\$100,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(6-0)

3. COMM. 2E-25 (2014)
COUNTY EXECUTIVE

WHEREAS, the US Department of Homeland Security, through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contact with USA Mobility to provide maintenance for the County's alpha numeric paging system; and

WHEREAS, the contract will be managed by the Erie County Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract from January 1, 2014 until December 31, 2014 with USA Mobility for the purposes of providing maintenance for the County's alpha numeric paging system in the amount of \$123,296; and be it further

RESOLVED, that the Department of Emergency Services, Division of Budget and Management and Office of Comptroller are hereby authorized to make all necessary budgetary and other entries to effectuate this action; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(6-0)

4. COMM. 2E-26 (2014)
COUNTY EXECUTIVE

WHEREAS, the US Department of Homeland Security, through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding to continue the

implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract with USA Mobility to provide maintenance for the County's alpha numeric paging system; and

WHEREAS, the contract will be managed by the Erie County Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract from January 1, 2014 until December 31, 2014 with USA Mobility for the purposes of providing maintenance for the County's alpha numeric paging system in the amount of \$123,296; and be it further

RESOLVED, that the Department of Emergency Services, Division of Budget and Management and Office of Comptroller are hereby authorized to make all necessary budgetary and other entries to effectuate this action; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(6-0)

5. COMM. 2E-27 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's Office has entered into a Memorandum of Understanding (MOU) with the FBI, wherein the FBI will be permitted to use the Sheriff's firing range to train FBI personnel; and

WHEREAS, in consideration of that permitted use, the FBI is providing funds to the County to hire a consultant to prepare a preliminary design report detailing improvements and modifications to the firing range; and

WHEREAS, this report can help obtain additional FBI construction funds, if said report is completed in a timely manner; and

WHEREAS, the FBI has offered the County a total of \$37,000 for the report's consultant fees and has used the firm of TRS Range Services, LLC since 2006 on 30 projects involving firing range modifications; and

WHEREAS, TRS Range Services, LLC has extensive experience working with the FBI and is familiar with their requirements; and

WHEREAS, the Department of Public Works wishes to engage TRS Range Services, LLC to prepare a preliminary design report.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acceptance of the FBI funds, in a total amount of \$37,000; and be it further

RESOLVED, that said funds be established in a new capital project in the Department of Public Works in Business Area 122, Fund 410; and be it further

RESOLVED, that inasmuch as TRS Range Services, LLC has been used extensively by the FBI throughout the country for the design of 30 firing range projects since 2006 and the FBI is totally funding this effort, and in addition, TRS Range Services, LLC has extensive experience working with the FBI and is familiar with their requirements, the Erie County Legislature hereby waives the procedures, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of TRS Range Services, LLC; and be it further

RESOLVED, that the County Executive is hereby authorized to issue an Agreement to TRS Range Services, LLC to provide the project preliminary design report detailing improvements and modifications to the Sheriff's firing range; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments to TRS Range Services, LLC from the established SAP Project Account for an amount not to exceed \$37,000; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Public Works, Commissioner's Office and the Office of the Sheriff.
(6-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 25 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: Appointment to Erie County Soil and Water
District
(INTRO 3-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLS**

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS; in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently there exists one At-Large vacancy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Raymond L. Waterman residing at 56 East Union Street, Hamburg, NY 14075 to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for 3-year term, and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately and shall expire on December 31, 2016, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052) and Mr. Raymond L. Waterman (56 East Union Street, Hamburg, NY 14075).

Item 26 – MR. LORIGO presented the following resolution and moved for consideration.
MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

RE: Inclusion of Viable Agricultural Lands into an
Agricultural District
(INTRO 3-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLS**

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2013 thirty-day open enrollment period five landowners requested that eight parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature adopt the inclusion of seven parcels listed below in an existing agricultural district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature reject the inclusion of one parcel listed below in an existing agricultural district; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for January 30, 2014; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 10:00 a.m. on January 30, 2014 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2013 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, a summary of the comments received during the public hearing and received in writing are attached to this resolution; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into an adjacent existing agricultural district; and be it further

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Engler, Gwen & Pugh, Nancy	326.10-2-17.11	12919 Schutt Road	Sardinia	Sardinia 6	26.2

Farkes, John P.	195.03-1-38	3423 South Creek Road	Hamburg	Eden 2	0.62
Farkes, John P.	195.03-1-39	0 South Creek Road	Hamburg	Eden 2	0.40
Farkes, John P.	195.00-4-5.1	0 South Creek Road	Hamburg	Eden 2	16.92
Lavocat, Donald E.	29.19-1-1.2	8441 County Road	Clarence	Clarence Newstead 14	9.36
Sheridan, Michael	156.02-2-33	251 Hemstreet Road	Elma	Elma 13	7.17
Sheridan, Michael	156.00-2-35.2	0 Hemstreet Road	Elma	Elma 13	4.86

RESOLVED that the Erie County Legislature rejects the inclusion of the following parcel into an existing agricultural district; and be it further

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Aurora Community Gardeners (Collins, James P.)	175.00-2-27.2	0 South Street	Aurora	Wales 12	4.05

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the Towns of Aurora, Clarence, Elma, Hamburg, and Sardinia; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 27 – MR. LORIGO presented the following resolution and moved for consideration.
MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

RE: Flood Aid for Victims of the Recent Flooding in
West Seneca
(INTRO 3-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR LORIGO**

WHEREAS, due to recent temperature swings there has been a highly unusual amount of flooding in West Seneca, N.Y.; and

WHEREAS, because said flooding is a rare occurrence many of the residents have been forced to endure large amounts of uncompensated damage to both their community and their personal property; and

WHEREAS, this honorable body would like to provide relief to the individuals impacted by the recent flooding events; and

WHEREAS, under NYS Real Property and Tax Law §925 and §938 one possible form of relief is a delay in the payment of real property taxes; and

WHEREAS, opinion has been sought regarding the feasibility of allowing for delayed payment of property taxes for the citizens of West Seneca; and

WHEREAS, the opinion whether the tax relief is possible may not come before the next session date; and

WHEREAS, time is of the essence for those impacted by the recent flooding and the ability to put off their tax burden would be of great assistance for many of those suffering from the recent flooding.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body conduct a special session regarding this issue should the decision come down that it can take action to grant said relief; and be it further

RESOLVED, that certified copies of this resolution be sent to the Town of West Seneca's department of the Town Clerk, Joseph L. Maciejewski of the Erie County's Department of Real Property Tax Services, the Erie County Comptroller's Office, and any other parties deemed necessary and proper.

MR. LORIGO moved to amend to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 28 – CHAIR MILLS directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 3-4 from RATH & MORTON. A Resolution in Support of the Community Choice Act (CCA).

Item 29 – CHAIR MILLS directed that the following two resolutions be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 3-5 from MILLER-WILLIAMS, BURKE & GRANT. Ensuring the Availability of Inpatient Facilities for Women Seeking Substance Abuse Treatment and Mental Health Services.

INTRO 3-6 from MILLER-WILLIAMS. Requesting an Update from the Department of Social Services Regarding Child Protective Services Policies, Procedures and Hiring.

Item 30 – MR. BURKE presented the following resolution and moved for consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RE: Requesting that Erie County's Portion of the Funding for the STEM Building at ECC North Campus be Put on Hold Until a Full and Thorough Audit is Conducted by the Erie County Comptroller
(INTRO 3-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR BURKE**

WHEREAS, the report titled "Program Needs Analysis and Space Utilization Assessment" was performed under biased directives to maintain a three campus system in accordance to the "Erie Community College, Strategic Plan: 2012-2014;" and

WHEREAS, all budget and cost breakdowns of Erie Community College are done as a whole, even as it operates functionally in three parts, offering the public no understanding of the real costs of the respective campuses; and

WHEREAS, the report titled "Program Needs Analysis and Space Utilization Assessment" reaches its findings to build the proposed STEM Building on North Campus without regard to the efficacy or cost of the respective campuses; and

WHEREAS, the findings of the report concluded, "New construction at another ECC location, such as the City Campus, would require land acquisition," and further dismissed the idea by estimating such a land purchase would exceed \$2 million; and

WHEREAS, the findings of the report failed to discover that the County of Erie is in possession of property at 100 North Division Street and 45 Oak Street, a substantial 1.3 acre plot that could act as the site of the proposed STEM building; and

WHEREAS, the Buffalo Niagara Medical Campus, a short distance from the above ignored County owned properties, represents a substantial and valuable investment of resources by New York State and private institutions from all over this region in the medical industry; and

WHEREAS, the findings of the report state that the programs slated for the proposed STEM building are in the areas of health sciences: anatomy and physiology, biology, bio manufacturing, medical lab technology, medical assisting, nursing, and respiratory care; and

WHEREAS, the construction of the proposed STEM building at ECC North Campus will become the future justification to County taxpayers for extensive and costly investment in the deteriorated buildings on North Campus.

NOW, THEREFORE, BE IT

RESOLVED, that funding for the proposed ECC North Campus expansion shall be held until a true assessment of respective campus costs and land uses can be produced to justify the expansion; and be it further

RESOLVED, that the Erie County Legislature hold a public hearing at 10:00 AM on January 30, 2014 at the Cornell Cooperative Extension at 21 South Grove Street in the Village of East Aurora, New York 14052 regarding the above matters; and be it further

RESOLVED, that an audit of ECC should be completed by the Erie County Comptroller to ensure the findings of the study be true and fiscally sound; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the County Executive and President of ECC.

MR. BURKE moved to amend to MS. MILLER-WILLIAMS as a co-sponsor. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. MILLER-WILLIAMS moved to amend to strike certain language and send item to committee. MS. GRANT seconded.

CHAIR MILLS directed that a roll-call vote be taken.

AYES: MR. BURKE, MS. GRANT AND MS. MILLER-WILLIAMS. NOES: MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON & MR. RATH. (AYES: 3; NOES: 7)

FAILED.

MR. BURKE moved to approve the resolution. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll-call vote be taken.

AYES: MR. BURKE AND MS. MILLER-WILLIAMS. NOES: MS. GRANT, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON & MR. RATH. (AYES: 2; NOES: 8)

FAILED.

Item 31 – MR. LORIGO presented the following resolution and moved for consideration.
MR. RATH seconded.

RESOLUTION NO. 30

RE: Requesting the Erie County Comptroller
Perform an Audit of the Buffalo & Erie County
Public Library System
(INTRO 3-8)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, RATH, LORIGO, DIXON, MORTON & HARDWICK**

WHEREAS, the Buffalo & Erie County Public Library is a tremendous asset for the citizens of Erie County; and

WHEREAS, the Library is a substantial portion of the discretionary budget of Erie County;
and

WHEREAS, the County of Erie in an attempt to remain within the adopted budget is looking for an increase in efficiency of all of its departments; and

WHEREAS, an increase in efficiency will allow the County, including the Library system, to continue supporting the important education programs that they offer; and

WHEREAS, the County Comptroller's Office is responsible for performing audits on county funded administrative units and programs; and

WHEREAS, an audit of the Library's expenses would help all interested parties, including this body, determine areas in which the Library could save money without sacrificing services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller's Office be hereby requested to perform audits of the Buffalo Public Library at their discretion, and be it further

RESOLVED, that certified copies of this resolution be sent to Kathleen Berens Bucki the Secretary of the Buffalo Public Library's Board of Trustees, Jack Connors the Chair of the Board of Trustees, the Erie County Comptroller's office, the Library Director Mary Jean Jakubowski, and any other party deemed necessary and proper.

MR. LORIGO moved to amend to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the item as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

RE: Acceptance of DCJS Alternative to
Incarceration Competitive Award
(COMM. 3E-1)

WHEREAS, the Erie County Probation Department applied for an Alternative to Incarceration grant in response to an RFP from the NYS Division of Criminal Justice Services (DCJS) for the purpose of expanding the Release Under Supervision (RUS) Program to include an Intensive Supervision and Re-Entry supportive services component; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department \$317,897 to implement such a program; and

WHEREAS, the Probation Department working collaboratively with the Department of Mental Health, and the Unified Court System, to identify offenders who can safely be released from the Erie County Holding Center and Jail under the auspices of this new program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the New York State Division of Criminal Justice Services in the amount of \$317,897 and enter into contract and amendments to these contracts pertaining to this award; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts for professional Services as an expansion of the existing contract for Case Management services established with Spectrum Human Services by the Department of Mental Health; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code regarding professional services contracts

because an existing contract between the Department of Mental Health and Spectrum Human Services for Case Management Services is already executed and can be funded through inter-department billing; and be it further

RESOLVED, that the following budgetary accounts be established as follows:

Erie County Probation Department
Fund 281 – Business Area 126
Grant name ATI- Intensive Release Under Supervision (126INTRUS1415)
Grant period January 1, 2014 to June 30, 2015

Revenue	
Account 409000 State Aid	\$317,897
Appropriations	
Account 500000 Full Time Staff	\$73,246
Account 501000 Overtime	\$7,128
Account 502000 Fringe Benefits	\$52,849
Account 505000 Office Supplies	\$300
Account 510100 Out of Area Travel	\$1,782
Account 510000 Mileage	\$875
Account 516020 Pro Serv Contracts & Fees	\$2,290
Account 530000 Other Expenses	\$850
Account 561410 Lab & Technical Equip	\$1,910
Account 912400 ID Mental Health Services	\$172,843
Account 980000 ID DISS Services	<u>\$3,824</u>
Total Appropriations	<u>\$317,897</u>

Erie County Department of Mental Health
Fund 110 – Business Area 124
Calendar year January 1, 2014 to December 31, 2014

Revenue	
Account 912400 ID Mental Health	(\$90,000)
Appropriations	
Account 517809 Spectrum Human Services OMH	\$90,000

and be it further

RESOLVED, that one position of Probation Officer (Spanish Speaking), JG-11 is created within the Department of Probation as noted in B-100 #7651; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust any additional 2014 Mental Health agency funding needed or unspent 2014 funds for Spectrum Human Services relating to this 2014-15 Probation grant in fiscal years 2014 and 2015 via ID billing; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the grant budget as required, including complying with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, Personnel Department, Department of Mental Health, and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza.

FROM THE DISTRICT ATTORNEY

Item 33 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

RE: Video Recording of Statements Program
(COMM. 3E-2)

WHEREAS, funds for the Video Recording of Statements Program have been made available to the District Attorney's Office from the New York State Division of Criminal Justice Services in the amount of \$49,870; and

WHEREAS, these funds will be used by District Attorney's Office to provide various local law enforcement agencies the ability to purchase and enhance their video recording equipment to be used in interviewing and interrogations of defendants and witnesses.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of funding the purchase of video recording equipment to local police agencies; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with the various local law enforcement agencies awarded funding by the New York State Division of Criminal Justice Services for the purpose of funding the purchase of video recording equipment; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the District Attorney's Video Recording of Statements Program Grant as follows:

Video Recording of Statements Program
Fund: 281, Cost Center: 1140050, Grant: 114VIDEO2014

Revenues

<u>409000 State Revenue</u>	<u>\$ 49,870</u>
Total Revenues	<u>\$ 49,870</u>

Appropriations

<u>516000 Contractual (Local Law Enforcement)</u>	<u>\$ 49,870</u>
Total Appropriations	<u>\$ 49,870</u>

and be it further,

RESOLVED, that the Director of Budget & Management is hereby authorized to establish and adjust budgets as required to comply with State-approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller and the Director of Budget and Management.

FROM THE SHERIFF

Item 34 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

RE: Erie County Sheriff's Office - Personnel
Adjustments
(COMM. 3E-3)

WHEREAS, the Erie County Sheriff's office will be experiencing several retirements that will have a substantial impact on operations; and

WHEREAS, in anticipation of these retirements the Erie County Sheriff's Office needs to make several personnel adjustments to allow for proper staffing of affected divisions; and

WHEREAS, funding for these positions will be offset by the deletion of the positions from which employees are retiring.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one Deputy Sheriff – Civil position # 00002388 and one Administrative Assistant – Sheriff position # 51009245 upon their vacancy; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one Chief of Administration JG 15 and one Receptionist JG 3; and be it further

RESOLVED, that the Sheriff's Department, Commissioner of Personnel and Division of Budget and Management are hereby authorized to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that the clerk of the Legislature send certified copies of this resolution to the Erie County Sheriff, the Commissioner of Personnel and the Director of Budget and Management.

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 3E-4) Buffalo and Erie County Botanical Gardens - 2013 Site Drainage Improvements

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 3E-5) Award of Construction Contract & Contract for Engineering and Construction Inspection Services - Lakeshore Shoreline Trail Multi Use Pathway Phase 2 - Town of Evans

Item 37 – (COMM. 3E-6) 2014 Annual Action Plan for the Community Development, Emergency Solutions, and Home Investment Partnership Programs

Item 38 – (COMM. 3E-7) Ralph Wilson Stadium - 2014 - Annual Capital Improvement Allowance Projects & Construction Contingency Increase

Item 39 – (COMM. 3E-8) Rath Building - EECBG Grant - Mechanical and Electrical Renovations Construction Contingency Increase

The above four items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 40 – (COMM. 3E-9) Parks' Recreation and Forestry Audit of the Park Residences

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR MORTON

Item 41 – (COMM. 3E-10) Capital Projects at Erie County Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 3E-11) Increase to Shelter, Building and Band Shell Rental Fees

Item 43 – (COMM. 3E-12) EPA Environmental Compliance - Phase 4 - A/E Fees

Item 44 – (COMM. 3E-13) Erie County Sewer District No. 2, Big Sister Creek WWTP Energy Performance Project

Item 45 – (COMM. 3E-14) Division of Sewerage Management National Association of Clean Water Agencies Legal Challenge

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

FROM THE COMPTROLLER

Item 46 – (COMM. 3E-15) CSEA Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 47 – (COMM. 3E-16) Amend III-E Jewish Family Services of Buffalo and Erie County Contract

Item 48 – (COMM. 3E-17) Acceptance of Non-Monetary Donations From Various Vendors

Item 49 – (COMM. 3E-18) Authorization to Enter Into Contract with Seton Imaging

Item 50 – (COMM. 3E-19) Disease Intervention Grant 1/1/14-12/31/14

The above four items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 3E-20) Acceptance of FY 2013 Critical Infrastructure Grant

Item 52 – (COMM. 3E-21) Acceptance of FY13 State Homeland Security Program (SHSP) Funds

Item 53 – (COMM. 3E-22) Acceptance of FY 13 Emergency Management Performance Grant

Item 54 – (COMM. 3E-23) Acceptance of FY 13 Hazmat Grant

The above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

Item 55 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

RE: Erie County Board of Elections Budget
Revisions
(COMM. 3D-1)

WHEREAS, the Federal legislation Help America Vote Act of 2002 (HAVA) requires the replacement of lever voting machines with electronic voting systems, make polling sites accessible to individuals with disabilities and provides for voters' education programs ; and

WHEREAS, the Erie County Board of Elections desires to purchase equipment and services for this purpose; and

WHEREAS, the purchase of such equipment and services are eligible for 100% reimbursement from the Federal government through the State of New York; and

WHEREAS, the Commissioners of the ECBOE were authorized by previous resolution (Comm. 11D-4) 2013 to enter into agreement with local municipalities for the purpose of making improvements to publicly owned polling sites to accommodate voters with disabilities; and

WHEREAS, such improvements are eligible for 100% reimbursement from the State of New York; and

WHEREAS, the Commissioners of the ECBOE desire to enter into a five (5) year agreement extension with SOE Software Corporation for the purpose of hosting, maintaining, and upgrading the ECBOE website and the on-line training program.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Board of Elections to enter into agreement with the Town of Clarence in the amount of not to exceed \$19,000.00; and be it further

RESOLVED, that authorization is granted for the Board of Elections to enter into a five (5) year agreement extension with SOE Software Corporation in the amount not to exceed \$99,975; and be it further

RESOLVED, that the Board of Elections will submit necessary paperwork for state and federal reimbursement for 100% of the purchase price of eligible equipment and services; and be it further

RESOLVED, that authorization is hereby granted to the Division of Budget and Management to create new grant accounts and budgets and make the following adjustments to the 2014 Budget of the Board of Elections:

Fund 281, Fund Center 1500020, Board of Elections

HHS 2009 Polling Place Access Temporary Improvements
Grant ID: 150HHSACCESSTEMP0913

<u>Revenue</u>	<u>Increase/(Decrease)</u>
Account 414010 Federal Aid-Other	\$40,935.00

<u>Appropriations</u>	<u>Increase/(Decrease)</u>
Account 561410 Lab & Technical Equipment	\$ 20,935.00
Account 505000 Office Supply	\$ 20,000.00

Fund 281, Fund Center 1500020, Board of Elections

HHS 2010 Polling Place Access Temporary Improvements
Grant ID: 150HHSACCESSTEMP1014

<u>Revenue</u>	<u>Increase/(Decrease)</u>
Account 414010 federal Aid- Revenues	\$ 39,554.34

<u>Appropriations</u>	<u>Increase/(Decrease)</u>
Account 561410 Lab & Technical Equipment	\$ 39,554.34

Fund 281, Fund Center 1500020, Board of Elections

HHS 2011 Polling Place Access Temporary Improvements
Grant ID: 150HHSACCESSTEMP1115

<u>Revenue</u>	<u>Increase/(Decrease)</u>
Account 414010 Federal Aid- Revenues	\$ 40,628.00

<u>Appropriations</u>	<u>Increase/(Decrease)</u>
Account 561410 Lab & Technical Equipment	\$ 40,628.00

Fund 110, Fund Center 1500020, Board of Elections

NYS Voter Education/Poll Training

<u>Revenue</u>	<u>Increase/(Decrease)</u>
Account 409000 State Aid Revenues	\$ 53,574.75

<u>Appropriations</u>	<u>Increase/(Decrease)</u>
Account 516020 Professional Services Contracts	\$ 53,574.75

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budgets as required to comply with HAVA and Federal common law requirements as outlined in Section 1 of the grant contract; and be it further

RESOLVED, that two (2) certified copies of this resolution be forwarded to the Board of Elections, one (1) certified copy be forwarded to the Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office and the Division of Purchase.

FROM THE COMPTROLLER'S OFFICE

Item 56 – (COMM. 3D-2) Review of Fleet Services for a Period Ending December 31, 2013

.
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 57 – (COMM. 3D-3) Tax Relief to West Seneca Flood Victims

.
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 58 – (COMM. 3D-4) Investigation into the Recertification of Medicaid Benefits, January and February, 2013

.
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SENIOR SERVICES

Item 59 – (COMM. 3D-5) 2013 Year in Review

.
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 60 – (COMM. 3D-6) Quarterly Report of Social Services Contract Changes

.
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 61 – (COMM. 3D-7) Audit of Inmate Medical Services

Item 62 – (COMM. 3D-8) Audit of Correctional Health Services

.
The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMMISSIONER OF CENTRAL POLICE SERVICES

Item 63 – (COMM. 3D-9) Request for Audit of Erie County-Funded Air Cards for Law Enforcement

.

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 64 – (COMM. 3M-1) Capital Expenditure and 17A Reports

Item 65 – (COMM. 3M-2) Board Minutes from the December 19, 2013 Meeting

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYSDEC

Item 66 – (COMM. 3M-3) Notice of Public Meeting – 1318 Niagara Street Proposed Remediation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM EC WATER AUTHORITY

Item 67 – (COMM. 3M-4) Unaudited Comparative Financial Statements for the Years Ended December 31, 2013 and 2012

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SUPERVISOR, TOWN OF WEST SENECA

Item 68 – (COMM. 3M-5) Requesting Relief for Flood Damaged Property Owners

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM MICHELE M. IANNELLO

Item 69 – (COMM. 3M-6) Letter of Interest in Vacant 3rd District Erie County Legislator Position

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM RURAL OUTREACH CENTER

Item 70 – (COMM. 3M-7) Proposal for Accessing County Services for the Rural Poor

Received and referred to the HEALTH & HUMAN SERVICES.

FROM T. MICHAEL NICHOLSON

Item 71 – (COMM. 3M-8) Public Safety Officer Disability Benefit

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 72 – CHAIR MILLS announced that the committee schedule and agendas have been distributed.

MEMORIAL RESOLUTIONS

Item 73 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Carol Tobia, Walter Burdzy, Jr., Richard Hammond and Donald Kane, Sr.

Item 74 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Edna Johnson.

Item 75 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Thomas Montemage and Joseph Teresi.

Item 76 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Teresa Kenefick Sroda.

Item 77 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Patricia Ann Kruse and Joseph Tripi.

ADJOURNMENT

Item 78 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, February 20, 2014 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, February 20, 2014 at 2:00 p.m. Eastern Standard Time.

SCOTT W. KROLL
CLERK OF THE LEGISLATURE