



COUNTY OF ERIE

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MARK C. POLONCARZ
COUNTY EXECUTIVE

November 20, 2015

Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Veto of Local Law Intro. No. 4-2-2015

Dear Ms. McCarthy:

A certified copy of Local Law Intro. No. 4-2-2015, entitled "*A LOCAL LAW amending the Erie County Code of Ethics*," was presented to me for approval on October 22, 2015. A public hearing regarding this Local Law was duly held on November 10, 2015. Pursuant to Erie County Charter Section 205, I hereby Disapprove and VETO Local Law Intro. No. 4-2-2015.

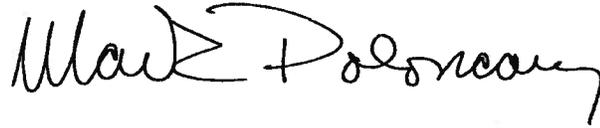
Intro No. 4-2-2015 purports to amend section ten-h of the Erie County Code of Ethics to state that "The County Executive shall...provide staff and supplies necessary for the ethics board to perform its stated objectives." Such intent cannot be implemented without a successful referendum put forth in compliance with the provisions of New York State Municipal Home Rule Law (MHRL).

The Erie County Code at Section 2.03 provides that the form and procedure for the adoption of a local law, including referendum, mandatory or permissive, shall be as provided in the MHRL. MHRL Section 23(2)f states that a local law shall be subject to mandatory referendum if it "abolishes, transfers or curtails any power of an elective officer". The Erie County Charter at Section 2503 and the Erie County Administrative Code at Section 19.04 provide the County Executive unfettered authority to propose an annual budget with appropriations of his/her choosing. The provisions of Local Law Intro 4-2-2015 work to limit such authority in direct proportion to the "necessary" staff and supplies it mandates be provided by the County Executive. This reduction in budgetary discretion fits squarely within the meaning of MHRL Section 23(2)f in that it curtails the County Executive's authority to appropriate budgetary funds and transfers that authority to the Erie County Legislature.

Since the budgetary authority conferred on the County Executive by the Erie County Charter and Code is impaired, a mandatory referendum is required by law before Local Law Intro. No. 4-2-2015 can be enacted. In addition and considering our Charter requires a Charter Revision Commission to be empaneled in 2016, I suggest any potential revisions to the Ethics Law and

County Code be delayed until such time as the Charter Revision Commission can consider them.
For the reasons stated above, I hereby Disapprove and Veto Local Law Intro 4-2-2015.

Sincerely yours,

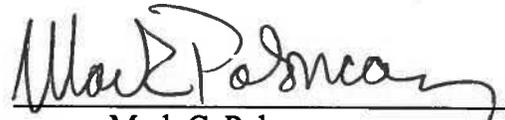
A handwritten signature in black ink, appearing to read "Mark C. Poloncarz". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark C. Poloncarz
Erie County Executive

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2 2015 on November 10, 2015 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this _____ day of November, 2015.

Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 4-2 2015 on November 10, 2015 due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 13 day of November, 2015.



Mark C. Poloncarz