

LOCAL LAW TO BE ENACTED BY  
THE ERIE COUNTY LEGISLATURE  
IN THE  
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 6-1- 2015

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**A Local Law Authorizing the Direct Transfer of Auto Bureau Revenue to the Road Fund**

**Section 1: Intent**

A core function of County Government is the continual maintenance, upkeep and improvement of County owned roads, bridges and related infrastructure. The proper care, maintenance and re-investment in these assets are critical, first and foremost, to protect the safety of the citizens as well as the efficient functioning of Erie County's economy.

It is the belief of this Honorable body that more dollars need to be invested annually toward Erie County's roads and bridges to preserve these assets.

The Erie County Clerk, on behalf of the State of New York, operates all county Auto Bureaus. Erie County retains a percentage of the fees and taxes paid for any auto related transaction at Erie County Auto Bureaus.

Since the fees and taxes paid at Erie County Auto Bureaus pertain specifically to transportation activities (License Fee, Registration Fee, Vehicle Use Tax, etc.), this honorable body believes taxpayers are best served by the dedication of revenue generated beyond expenses to the upkeep, maintenance, investment and servicing of Erie County's roads, bridges and related infrastructure.

**Section 2: Section 13.04, of the Erie County Administrative Code, is hereby amended to read as follows:**

Section 13.04 Accounting for fees. All moneys to which the county may be entitled under and by virtue of the laws of the state of New York, or which the county clerk may receive for all and any official services by him, or by any of his assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such clerk, accounted for and paid over within five days after the first day of each and every month to the commissioner of finance. Said county clerk shall make a full and true statement for each calendar month of all moneys received each day by him, his deputies, officers or employees in his or their official

capacity and shall transmit and deliver such statements to the commissioner of finance and the comptroller within five days after the expiration of such month. Each statement shall have attached thereto a certification by said county clerk to the effect that the same is in all respects a full and true statement of all moneys received by him as herein required. At the time of rendering any such statement, such clerk shall pay to the commissioner of finance for the benefit of said county the whole amount or the balance of the moneys received by him since making the last preceding monthly report. Other funds or fees collected, by the county clerk shall be collected, paid over, deposited and reported in accordance with the law applicable thereto.

All revenue, less expenses, collected by the Erie County Clerk's Auto Bureau shall be directed to the Highway Division (Road Fund) to be used to effectuate further repairs to county owned roads.

*[ ] bracketed material is deleted; underlined material is to be added*

**Section 3: Section 2507, of Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to add the following subsection:**

**Section 2507: Budget Controls, subsection C:**

- c. The County Executive shall maintain the Highway Division (Road Fund) at an amount at least equal to the prior year's Adopted Budget, starting with the adopted budget for the year two-thousand and fifteen. The Auto Bureau revenue, transferred as directed by section 13.04 of the Erie County Administrative Code, shall be additional funding in excess of the level required in this section.

#### **Section 4: Severability**

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

**Section 5: Effective Date**

This law becomes effective upon its approval by the general electorate of the County of Erie through a referendum to be undertaken at the November 2015 general election and its subsequent filing with the Secretary of State.

Sponsor: Legislator Rath