A RESOLUTION TO BE SUBMITTED BY
CHAIRMAN MILLS

Re: Erie County Charter Revision Commission Recommendation No. 12

WHEREAS, the Erie County Legislature created the Erie County Charter Revision Commission for the express purpose of reviewing the Erie County Charter and to make recommendations on whether or not the Erie County Charter and/or Administrative Code should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments within the County; and

WHEREAS, the Charter Revision Commission was convened and fully considered and debated the strengths and weaknesses of the present Charter and made numerous recommendations; and

WHEREAS, the Charter Revision Commission submitted its final recommendations to the Erie County Legislature on May 13, 2016; and

WHEREAS, in addition to the Charter Revision Commission, several organizations, individuals and elected officials submitted comments and recommended Charter changes to the Commission; and

WHEREAS, the Legislature is required to act on each recommendation of the Charter Revision Commission; and

WHEREAS, Chairman Mills has reviewed each recommendation of the Commission and has submitted each recommendation to this Honorable Body for its consideration; and

WHEREAS, Section 204 describes the procedure for passing a local law through the Legislature; and

WHEREAS, in order for a local law to be voted upon the Charter requires a public hearing be held and if any changes are made subsequent to the public hearing a new print of the local law to be clocked-in and another public hearing be held; and

WHEREAS, Recommendation No. 12 amends Section 204 allows the Legislature to amend and approve a proposed local law after a public hearing has already been held provided that the amendments are made in a character with the scheme of the original proposed local law and are the logical outgrowth of the comments given or submitted at the public hearing; and

WHEREAS, Recommendation No. 12 provides that the Legislature may request the County Attorney to render a timely opinion on the proposed local law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 12 as described in Comm. 10M-1(2016); and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of the recommendation and to amend the Charter by referendum; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney and any other party deemed necessary and proper.

Recommendation to Amend the Erie County Charter

Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 107

Recommendation No. 12

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Sponsored by Commission Member _____

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 204 be amended to read as follows:

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

1. The Legislature shall hold a public hearing 5-days before a local law, that is not certified as to the necessity of its immediate passage, can be put to a vote; acceptable public notice for this type of public hearing includes posting a notice on the county's official website and distribution of the notice to local media outlets. **No local law shall be certified as to the necessity of its immediate passage except pursuant to a resolution adopted by 2/3 of Legislature.**

2. **If the Legislature amends a proposed local law following a public hearing held pursuant to paragraph (1), the Legislature shall not be required to have a subsequent public hearing, provided that:**

    a) **The amendments made to original proposed local law are:**
        I. **In character with the scheme of the original proposed local law; and**
        II. **The logical outgrowth of the comments given or submitted at the public hearing or comments received from the county**

attorney pursuant to paragraph (3); and

b) The proposed local law as amended neither:

I. Materially alters the issues involved in the original proposed local law; nor

II. Substantially departs from the terms or substance of the original proposed local law.

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

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

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