

**RESOLUTION TO BE SUBMITTED BY
CHAIRMAN MILLS**

Re: Erie County Charter Revision Commission Recommendation No. 35

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, Recommendation No. 35 amends Section 2507 to require all vacant positions held open for one year and a day be eliminated from the following year's budget and funding for those jobs be returned to the General Fund unless extended by a Resolution from the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 35 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**

**Amendment to Recommendation Intro. No. 164 *A*
Recommendation No. 35**

**The text of Recommendation Into No. 164 is stricken and replaced with
the following:**

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 2507 be amended to read as follows:

Section 2507. Budget controls.

- a. No county officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. If one or more of the independently elected officials (clerk, comptroller, district attorney, sheriff) becomes aware of a deficit or impending deficit in his or her department, he or she shall notify the legislature immediately so that, subject to section 2510 of this charter, remedial action can be taken. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall

continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two thirds vote of the county legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

- b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county, except for the departments overseen by the independently elected officials (clerk, comptroller, district attorney and sheriff) who shall have the power to manage their departments within the parameters of the adopted budget. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county, except for the independently elected officials (clerk, comptroller, district attorney and sheriff), shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed. The county executive may request that the legislature impose quotas, allotments or other cost control measures on the independently elected officials (clerk, comptroller, district attorney and sheriff) if the need arises. The legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote.
- c. For any personnel position that has been budgeted, but that has remained unfilled for a time period of one year and one day, the position is eliminated and the appropriated budget funds shall be returned to the general fund of the County, provided that the County Legislature may, by resolution, extend this time period for an additional year upon the request of the appointing authority for the unfilled position. Further, additional one-year extensions can be granted anytime prior to the elimination of the position. Time attributable to military service, family or medical leave, or disability, shall be excluded from the computation of the one year and one day time period. The County Legislature shall be timely informed of any such position and funds.