RESOLUTION TO BE SUBMITTED BY

CHAIRMAN MILLS

Re: Erie County Charter Revision Commission Recommendation No. 37

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. 37 deletes Article 22-A, the Environmental Management Board, which was moved under Article 10, Section 1004, in Recommendation No. 36.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 37 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.140
Recommendation No. 37

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 article 22-A be deleted in its entirety as follows:

~~Article 22-A—Erie County Environmental Management Council—Charter~~

~~Section 22-A-01. Declaration of policy.~~

~~22-A-02. Establishment of the Erie county environmental management council; membership.~~

~~22-A-03. Powers, duties and functions of the council.~~

~~22-A-04. Compensation and expenses.~~

~~22-A-05. Effective date.~~

~~Section 22-A-01. Declaration of policy. The legislature hereby finds and declares that the management and conservation of our environment is essential to the health and well being of the people of the county. Local understanding of the importance of all aspects of the environment is necessary for the most wise and balanced use of our natural resources. Local and inter-municipal participation is imperative in the planning and control of activities which influence the ecological balance of the county and the natural and functional beauty of its surroundings.~~

~~The legislature, therefore, deems it in the best interest of the county that a county environmental management council be responsible for reviewing and advising local and~~

~~state government on present and proposed methods and plans for preserving, enhancing, and using the environment for the protection and benefit of all the people, and for fostering unified action on environmental problems among local governments and among public and private agencies and organizations operative within the county.~~

~~Section 22-A-02. Establishment of the Erie county environmental management council: membership. There is hereby established, pursuant to article nineteen of the conservation law and the municipal home rule, a county environmental management council, to be known as the Erie county environmental management council, hereinafter called the council. The council shall be appointed by the county executive, subject to the confirmation of the legislature, and shall consist of twelve members at-large and one member recommended to the county executive by and from each town, village or city environmental or conservation management council established by the official governing body of such town, village or city. The term of all members shall be two years. Vacancies on the council shall be filled in the same manner as the original appointment except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term. In addition, the commissioner of environment and planning, the commissioner of health, and are representative of the Erie and Niagara counties regional planning board shall be ex officio voting members of the council.~~

~~The county executive shall appoint one member of the council as chairman thereof. The council shall meet at least four times each year. The council shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file the annual report and plan as provided in section sixteen hundred twenty two of this law.~~
~~Amended by Local Law No. 2-1977.~~
~~Amended by Local Law No. 16-1974.~~
~~Amended by Local Law No. 1-1972.~~

~~Section 22-A-03. Powers, duties and functions of the council. The council shall review the state of the county environment as a whole, and shall present a preliminary report of its findings to the county executive and the legislature on or before September first, nineteen hundred seventy one and a full report annually thereafter. The council shall cooperate with the planning commissioner in annually preparing a plan for the protection of the county's environment and the management of its natural resources, and shall transmit it to the county executive and the legislature. The council shall investigate and recommend to the county executive and the legislature ecologically sound methods of planning the use of the county's resources.~~

~~The council shall investigate all of the operations of county government in its various departments with respect to the environment and ecology of the county, analyze such investigation, and within three months after its creation report to the county executive and~~

~~the legislature the feasibility and the advisability of creating in the county of Erie a department of environmental conservation to which all of the presently scattered activities with respect to the environment and ecology would be transferred for administration in a manner similar to that of the New York state department of environmental conservation.~~

~~The council shall prepare and keep current an index of all open areas within the county, including but not limited to those open land areas, scenic and natural features, natural areas, shorelines, marshlands, swamps, and other wetlands in the county and including such lands owned by any municipality within the county, for the purpose of obtaining information pertinent to the preservation, enhancement, and use of such areas. The council may recommend to the county executive and legislature a program for the protection, preservation, and use of such areas.~~

~~The council shall advise and make recommendations to the county executive and the legislature as they may direct or as may be deemed appropriate on matters affecting the preservation, development, and use of the natural and man made features and conditions of the county insofar as they have a bearing on environmental quality and on the effects of man's activities and development on environmental quality.~~

~~The council shall develop, recommend and assist in the conduct of a program of public information in the county which shall be designed to increase understanding of the environmental problems and issues and to foster support for their solutions.~~

~~The council shall develop, recommend and assist in the conduct of a program to improve the coordination and effectiveness of public and private projects and activities in the county in accord with the purposes of this law, working in cooperation with the environmental or conservation commissions in the cities, towns, and villages within the county and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action.~~

~~The council shall maintain liaison with local and regional planning agencies, regional water resources planning and development boards, environmental management councils or their equivalents in counties adjacent to the county of Erie, and other such public and private regional bodies in the United States and Canada affecting the conservation of environmental quality, with the purpose of improving coordination of planning and activities.~~

~~To assist in carrying out the aforementioned functions the council may:~~

~~a. Conduct or recommend studies, surveys and inventories as are in accord with the general purposes of this law, and do so with appropriate coordination with~~

~~existing or prospective work of a similar nature performed by federal, state, county, municipal, or private agencies and organizations.~~

~~b. Cooperate with and assist such other governmental or non governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county executive or legislature may direct.~~

~~c. Advertise, prepare, print, and distribute books, maps, charts, and pamphlets if in its judgment and within appropriations therefor it deems them necessary for its work.~~

~~d. Hold public and private hearings for specified purpose of this law.~~

~~e. Report its findings to the county executive, county legislature, public and private agencies and organizations, and interested private citizens.~~

~~Section 22-A-04. Compensation and expenses. Unless otherwise provided by recommendations of the county executive and resolution of the legislature, the members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.~~

~~Section 22-A-05. Effective date. This local law shall take effect immediately. Added by Local Law No. 3 1971.~~

~~Article 22-A was formerly numbered 23-A, which was formerly numbered Article XVI-A.~~