

**A RESOLUTION TO BE SUBMITTED BY
CHAIRMAN MILLS**

Re: Erie County Charter Revision Commission Recommendation No. 8

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, Article 21 details the powers and duties of the Sheriff of Erie County; and

WHEREAS, many of the sections in the current Charter do not accurately describe the powers and duties of the Office of the Sheriff as required by state and federal law and which they currently perform including the operations of the Jail Management Division; and

WHEREAS, Recommendation No. 8 more accurately portrays the powers and duties of the Office of the Sheriff of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 8 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.134
Recommendation No. 48

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 21 be amended to read as follows:

Article 21 - Sheriff - Charter

- Section 2101. Election.
2102. Powers and duties.
2103. Deputies and employees.
2104. ~~Erie county holding center~~ Jail management division.
2105. ~~Appointment of superintendent~~ Police services division.
2106. Correctional health division.

Section 2101. Election. There shall be a sheriff who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Section 2102. Powers and duties. The sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He or she shall perform such additional and related duties as may be prescribed by local law.

Section 2103. Deputies and employees. The employees of the Erie county sheriff's office shall be in the classified service under the provisions of the civil service law of the state of New York, and shall be subject to and governed and controlled by the rules and regulations of the New York state department of civil service as follows:

1. All personnel employed by the sheriff of Erie county in the following titles, shall be within the competitive class of the classified service: assistant chief deputy, criminal; deputy sheriff, criminal; deputy sheriff, officer; corrections officer; senior communications officer; communications officer, chief identification officer; identification officer; principal guard; jail guard; hospital guard.
2. Personnel holding the following titles shall be within the non-competitive class of the classified service: chief criminal deputy; chief deputy civil; chief of administration; chief of technology and technical criminal services; superintendents of jails; first deputy superintendents; cook; assistant cook; registered nurse; hospital guard (PT); special deputy (PT).
3. Personnel holding the following title shall be within the exempt class of the classified service: chaplain.

~~a. The deputies and employees of the Erie county sheriff's department shall be in the classified service under the provisions of the civil service law of the state of New York, and shall be subject to and governed and controlled by the rules and regulations of the New York state department of civil service as follows:~~

- ~~1. All personnel employed by the sheriff of Erie county in the following titles, shall be within the competitive class of the classified service: assistant chief deputy, criminal; deputy sheriff, criminal; senior communications officer; communications officer, chief identification officer; identification officer; principal guard; jail guard; hospital guard; matron; steward.~~
- ~~2. Personnel holding the following titles shall be within the non-competitive class of the classified service: chief criminal deputy; superintendent of jails; assistant superintendent of jails; cook; assistant cook; registered nurse; medical aide; extern; hospital guard (PT); special deputy (PT).~~
- ~~3. Personnel holding the following titles shall be within the labor class of the classified service: laborer; cleaner; kitchen helper.~~

4. Personnel holding the following titles shall be within the exempt class of the classified service: protestant chaplain; catholic chaplain.
5. Detective deputies and special deputies shall be temporary assignments, to be made by the sheriff from the ranks of the criminal deputies, and to serve at his or her pleasure, within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.
- b. Personnel holding the following titles shall be continued within the classification known as "Flaherty": undersheriff; inspector; deputy sheriff, civil (including court deputies); deputy sheriff, female; secretary to the sheriff; principal deputy, courts; assistant chief deputy sheriff, civil; assistant to bookkeeper; chief account clerk; senior account clerk; cashier; senior clerk stenographer; clerk stenographer; clerk typist; telephone operator. Appointments to these positions shall be made by the sheriff, to serve at his or her pleasure within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.
- c. All titles other than those listed in subdivisions A and B above shall be classified in accordance with the rules and regulations of the civil service law of the state of New York.
- d. All personnel employed by the Erie county sheriff's department who hold positions which are within the classified service under the New York state civil service law and who have served for one year in their respective positions prior to the effective date of this local law shall be covered in the respective positions without further examination.

Subsection D. Added by Local Law No. 5 1973.
 NEW section 2103 (formerly 2203, formerly 1503) Added by Local Law No. 4 1973.
 Former section 1503 REPEALED by Local Law No. 4 1973.
 Former section 1503 Added by Local Law No. 2 1969
 1969 Local Laws of Cities, Counties, Towns and Villages.

Section 2104. Jail management division. The sheriff shall appoint the superintendent of the jail management division to serve at his or her pleasure. The Erie county jail and correctional facility shall be known hence forth as the jail management division. Whenever the terms "Erie county jail", "county jail" or "Erie county correctional facility" when used in reference to the Erie county jail or correctional facility, or any variations of these terms appear in this charter, the Erie county administrative code, or in any other statute, local law or ordinance, they shall be deemed as applying to the jail management division.
 Erie county holding center. The Erie county jail shall be known hence forth as the Erie county holding center. Whenever the terms "Erie county jail", "county jail", or

~~"correctional facility" when used in reference to the Erie county jail, or any variations of these terms appear in this charter, the Erie county administrative code, or in any other statute, local law or ordinance, they shall be deemed as applying to the Erie county holding center.~~

~~Added by Local Law No. 12 1973.~~

Section 2105. Police services division. There shall be a police services division. The sheriff shall appoint a chief criminal deputy to oversee the division who shall serve at the pleasure of the sheriff. It shall be the duty of the police services division to act as conservator of the peace, to prevent and detect crime, and to apprehend criminals.

~~The sheriff shall appoint the superintendent of the Erie county correctional facility to serve at his or her pleasure. At the discretion of the Sheriff, the superintendent may hold another position within the Erie county sheriff's department. In such a case, the superintendent shall only be paid the salary of one position as designated by the sheriff.~~

~~Added by Local Law No. 5 2000.~~

Section 2106. Correctional health division. There shall be a division of correctional health and it shall be headed by a First Deputy Superintendent – Compliance and a Director of Correctional Health Services. The First Deputy Superintendent – Compliance shall be appointed by the Sheriff and serve at his pleasure. The Director of Correctional Health Services shall be in the competitive class.

Article 21 was formerly numbered Article 22, which was formerly numbered Article XV.