

Delete Intro 10-32 (2016) in its entirety and replace with the following:

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, the Erie County Legislature reviewed and introduced the Charter Revision Commission changes, the Honorable Body recommends further revisions; and

WHEREAS, in Recommendation No. 32 the Charter Revision Commission recommended the county attorney have a coterminous term with the appointing County Executive and limiting the ability to remove the County Attorney for cause or upon a majority vote of the Erie County Legislature after a request from the County Executive; and

WHEREAS, Recommendation No. 32 does not offer sufficient protection nor autonomy to the office of the County Attorney; and

WHEREAS, it is the recommendation of this honorable body to separate the County Attorney's budget process from that of the County Executive, to allow the Legislature to remove the County Attorney only after a supermajority vote or a simple majority vote upon request of County Executive and one additional countywide elected official, or at the request of three Countywide elected officials.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adds in the additional protections for the County Attorney as prescribed in the initial recommendations of the Charter Revision Commission and detailed above; and, be it further

RESOLVED, that the Legislature's staff shall draft a local law or laws to reflect the Legislature's acceptance of this 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
TO BE SUBMITTED BY LEGISLATOR LORIGO

Erie County Charter Revision Recommendation C

The text of Recommendation No. 32 is stricken and replaced with the following:

Section 601. Department of Law; County Attorney. There shall be a department of law headed by the County Attorney, who shall be appointed by the County Executive subject to confirmation by the Legislature for a term coterminous with the term of the County Executive who appointed him or her. A County Attorney can only be removed prior to the expiration of the term of the County Executive that appointed him or her by (a) a majority vote of the Erie County Legislature on request of (i) two countywide elected officials, if one such official is the County Executive, or (ii) three countywide elected officials; or (b) a 2/3 vote of the Erie County Legislature. He or she shall be a member in good standing of the bar of the state of New York. The County Attorney shall be solely responsible for the administration of the Department of Law, hiring its staff, and controlling its budget, subject to review of the County Legislature.

**RESOLUTION TO BE SUBMITTED BY
CHAIRMAN MILLS**

Re: Erie County Charter Revision Commission Recommendation No. 32

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. 32 amends Section 601 to provide autonomy to the County Attorney. The Recommendation allows for the County Attorney to be removed prior to the expiration of the term of the County Executive that appointed him or her by only (a) a majority vote of the Erie County Legislature on request of the County Executive or (b) the County Executive for cause.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts the Charter Revision Commission's Recommendation No. 32 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. 118 ~~A~~
Recommendation No. 32

**The text of Recommendation Into No. 118 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 601 be amended to read as follows:

Section 601. Department of law; county attorney. There shall be a department of
law headed by the county attorney, who shall be appointed by the county executive
subject to confirmation by the legislature **A county attorney may only be
removed prior to the expiration of the term of the County Executive that
appointed him or her by (a) a majority vote of the Erie County Legislature on
request of the County Executive or (b) the County Executive for cause.** He or
she shall be a member in good standing of the bar of the state of New York.

Introducer's Memorandum to