

**ERIE COUNTY LEGISLATURE
MEETING NO. 1
JANUARY 7, 2016**

The Legislature was called to order by the Clerk of the Erie County Legislature.

The Roll being duly called by Ms. Karen M. McCarthy, Clerk of the Legislature, the following Legislators answered, to wit:

1st District
Barbara Miller-Williams

2nd District
Betty Jean Grant

3rd District
Peter J. Savage III

4th District
Kevin R. Hardwick

5th District
Thomas A. Loughran

6th District
Edward A. Rath III

7th District
Patrick B. Burke

8th District
Ted B. Morton

9th District
Lynne M. Dixon

10th District
Joseph C. Lorigo

11th District
John J. Mills

An Invocation was held, led by Mr. Mills, who introduced Rev. Kevin M. Backus who offered a prayer.

The Pledge of Allegiance was led by Ms. Grant.

Item 1 – MS. McCARTHY called for nominations and the election of Chair of the Erie County Legislature for 2016.

MR. LORIGO placed in nomination for Chair of the Erie County Legislature for 2016 JOHN J. MILLS. MR. HARDWICK seconded.

We, the undersigned, representing a majority of the members of the Erie County Legislature do hereby nominate John J. Mills as Chair of the Erie County Legislature for 2016.

BARBARA MILLER-WILLIAMS
Barbara Miller-Williams – 1st District

BETTY JEAN GRANT
Betty Jean Grant – 2nd District

PETER J. SAVAGE III
Peter J. Savage III – 3rd District

KEVIN R. HARDWICK
Kevin R. Hardwick – 4th District

THOMAS A. LOUGHRAN

EDWARD A. RATH III

Thomas A. Loughran – 5th District

Edward A. Rath III – 6th District

PATRICK B. BURKE

Patrick B. Burke – 7th District

TED B. MORTON

Ted B. Morton – 8th District

LYNNE M. DIXON

Lynne M. Dixon – 9th District

JOSEPH C. LORIGO

Joseph C. Lorigo – 10th District

JOHN J. MILLS

John J. Mills – 11th District

MS. McCARTHY asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2016.

MR. LORIGO moved to close nominations. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MS. McCARTHY moved the question of the election of John J. Mills as Chair of the Erie County Legislature for 2016, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

MR. MILLS, having received the required number of votes cast was declared duly elected CHAIR OF THE ERIE COUNTY LEGISLATURE for 2016.

Item 2 – CHAIR MILLS called for nominations and the election of Clerk of the Erie County Legislature for 2016.

MR. LORIGO placed in nomination for Clerk of the Erie County Legislature for 2016 KAREN M. McCARTHY. MS. GRANT seconded.

We, the undersigned, representing a majority of the members of the Erie County Legislature do hereby nominate Karen M. McCarthy as Clerk of the Erie County Legislature for 2016.

BARBARA MILLER-WILLIAMS
Barbara Miller-Williams – 1st District

BETTY JEAN GRANT
Betty Jean Grant – 2nd District

PETER J. SAVAGE III
Peter J. Savage III – 3rd District

KEVIN R. HARDWICK
Kevin R. Hardwick – 4th District

THOMAS A. LOUGHRAN
Thomas A. Loughran – 5th District

EDWARD A. RATH III
Edward A. Rath III – 6th District

PATRICK B. BURKE
Patrick B. Burke – 7th District

TED B. MORTON
Ted B. Morton – 8th District

LYNNE M. DIXON
Lynne M. Dixon – 9th District

JOSEPH C. LORIGO
Joseph C. Lorigo – 10th District

JOHN J. MILLS
John J. Mills – 11th District

CHAIR MILLS asked if there were any other nominations for the Office of Clerk of the Erie County Legislature for 2016.

MR. LORIGO moved to close nominations. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS moved the question of the election of Karen M. McCarthy as Clerk of the Erie County Legislature for 2016, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

MS. McCARTHY, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for 2016.

Item 3 – CHAIR MILLS called for the designation of Majority Leader of the Erie County Legislature for 2016.

MR. LORIGO presented a petition designating JOSEPH C. LORIGO as Majority Leader of the Erie County Legislature for 2016.

CHAIR MILLS directed that the petition be received, filed and printed.

GRANTED.

We, the undersigned, representing a majority of the Majority Caucus of the Erie County Legislature do hereby designate Joseph C. Lorigo as Majority Leader of the Erie County Legislature for 2016.

KEVIN R. HARDWICK
Kevin R. Hardwick – 4th District

EDWARD A. RATH III
Edward A. Rath III – 6th District

TED B. MORTON
Ted B. Morton – 8th District

LYNNE M. DIXON
Lynne M. Dixon – 9th District

JOSEPH C. LORIGO
Joseph C. Lorigo – 10th District

JOHN J. MILLS
John J. Mills – 11th District

Item 4 – CHAIR MILLS called for the designation of Minority Leader of the Erie County Legislature for 2016.

MS. GRANT presented a petition designating THOMAS A. LOUGHRAN as Minority Leader of the Erie County Legislature for 2016.

CHAIR MILLS directed that the petition be received, filed and printed.

GRANTED.

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature do hereby designate Thomas A. Loughran as Minority Leader of the Erie County Legislature for 2016.

BETTY JEAN GRANT
Betty Jean Grant – 2nd District

PETER J. SAVAGE III
Peter J. Savage III – 3rd District

THOMAS A. LOUGHRAN
Thomas A. Loughran – 5th District

PATRICK B. BURKE
Patrick B. Burke – 7th District

Item 5 – MR. LORIGO presented the Rules of the Legislature for 2016 and moved for approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: Adopting Erie County Legislature's
Rules of Order of the Legislature for
2016

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature's Rules of the Legislature for 2016 as follows:

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
8. To order that a public hearing be held. Public hearings shall be conducted a minimum of five (5) days before an item can be considered by the Legislature unless otherwise prescribed by law;
9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
12. To establish independent committees, boards, and commissions to report to

the Chair and/or Legislature, and appoint or remove the members thereof;

13. To cancel public hearings for which the underlying item has been withdrawn;
14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two caucuses which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. A caucus shall be defined as a group of members or adherents of the same political party. The leader of the caucus whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other caucus shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one caucus nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one caucus leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIR:

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile transmission, by e-mail, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member

may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission, or e-mail of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number or County assigned e-mail address provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission or e-mail of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions or e-mails for all members of the Legislature were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes and proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions. Each legislator shall be entitled to four (4) annual presentations including citizen of the month, with no regular session having more than two (2) presentations.

Selection of presentation shall be determined by the order in which requests are filed with the Clerk of the Legislature;

4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.04.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment

or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the

Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communication of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., three (3) business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the

next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

In the event that three business days before session is a recognized holiday or a recognized holiday occurs within three business days before a regular meeting date, the appropriate clock-in day will be the first business day of the week in which the regular meeting date is held.

An agenda of all matters before the legislature shall be prepared by the Clerk of the Legislature, who shall determine the particular order of agenda items in keeping with Section 2.06.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of five members each (including a Chair, Vice-Chair and three members), except the Finance & Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five members) for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair of the Legislature within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health & Human Services
Minority & Women Business Enterprise
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration, subject to conditions provided in Section 5.04.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Finance and Management/Budget Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit twenty (20) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall submit the tentative budget, with such amendments or changes therein as the committee may determine, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2508 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2508 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2508, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk

of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.04 REDUCTION OF AGENDA:

Any item on a committee agenda, including but not limited to Local Laws, Resolutions, communications from the departments, and communications from other officials will be removed from the agenda one (1) calendar year from the date of their introduction.

The Chair of the Committee may, on his or her motion or request, keep an expired item on the table for an additional calendar year. The motion or request to leave an item on the table is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

5.05 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.06 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
3. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
4. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.07 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.08(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.08(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.08(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

5.08(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.08(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.08(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.08(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and

- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.08(8) DRESS DECORUM:

Denim of any form is prohibited from attire of any member of the Legislature or staff in the Legislative chambers during any event involving formal business of the county including, but not limited to, Session, committee meetings, public hearings, and informational hearings.

5.08(9) ELECTRONIC DEVICES

All electronic devices shall be maintained on silent or vibrate mode and any disruption caused by a personal electronic device shall be ground for removal under section 5.08(11).

5.08(10) OATH OR AFFIRMATION:

The Chair of the Legislature, or committee, has the power to request anyone speaking in front of the Legislature take an oath affirming the truthfulness of the information being presented on the floor. This applies to any situation where the Legislature will be using the facts presented in making a decision. The discretion to use this power is within the control of the Chairperson of the Legislature or committee, depending on the body being presented with the information.

The Chair in charge of the meeting will ask the speaker, "Do you swear that what you are about to present is, to the best of your knowledge, both true and correct?" Speaker must answer in the affirmative or leave the floor until such a time as they are able to make the oath in the affirmative. If the speaker is unable to answer in the affirmative, a vote of the majority of the committee or the Legislature as a whole shall be taken as to whether to allow him or her access to the floor.

5.08(11) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.09 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

Item 6 – CHAIR MILLS directed that the Designation of Newspapers – Majority Caucus be received, filed and printed. CHAIR MILLS further directed that the Designation of Newspapers – Minority Caucus be tabled.

GRANTED.

We, the undersigned, representing a majority of the Majority Caucus of the Erie County Legislature do hereby designate the Amherst Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices, and other matters required by law to be published for the County of Erie effective January 1, 2016.

KEVIN R. HARDWICK
Kevin R. Hardwick – 4th District

EDWARD A. RATH III
Edward A. Rath III – 6th District

TED B. MORTON
Ted B. Morton – 8th District

LYNNE M. DIXON
Lynne M. Dixon – 9th District

JOSEPH C. LORIGO
Joseph C. Lorigo – 10th District

JOHN J. MILLS
John J. Mills – 11th District

We, the undersigned, representing a majority of the Majority Caucus of the Erie County Legislature do hereby designate the Grand Island Dispatch, published in Grand Island, New York, having general circulation in the County of Erie, as the official newspaper for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the County of Erie effective January 1, 2016.

KEVIN R. HARDWICK
Kevin R. Hardwick – 4th District

EDWARD A. RATH III
Edward A. Rath III – 6th District

TED B. MORTON
Ted B. Morton – 8th District

LYNNE M. DIXON
Lynne M. Dixon – 9th District

JOSEPH C. LORIGO
Joseph C. Lorigo – 10th District

JOHN J. MILLS
John J. Mills – 11th District

Item 7- No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – MR. LORIGO moved for the approval of the minutes for Meeting Number 25 from 2015. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 10 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 11 – MS. GRANT & MR. LOUGHRAN presented a resolution Honoring the Life of Eva Malinda Noles.

Item 12 – MR. HARDWICK presented a resolution Congratulating Michael Joseph DeSantis, Boy Scout Troop 58, on Attaining the Rank of Eagle Scout.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Eva Malinda Noles.

Item 14 – MR. RATH presented a resolution Congratulating Warren Philip Arno, Boy Scout Troop 440, on Attaining the Rank of Eagle Scout.

Item 15 – MR. RATH presented a resolution Congratulating Joseph D. McEachon, Boy Scout Troop 440, on Attaining the Rank of Eagle Scout.

MR. LORIGO moved for consideration of the above five items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above five items to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above five items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 22 – MR. LORIGO presented the following resolution and moved for consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: Appointments to the EC Audit
Committee
(INTRO. 1-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS & GRANT**

WHEREAS, the Erie County Audit Committee is mandated by Erie County Charter §2617;
and

WHEREAS, the Office of the Comptroller has advised the Erie County Legislature that certain appointments are necessary to fill vacancies of the Erie County Audit Committee; and

WHEREAS, Erie County Charter §2617 defines the Audit Committee's membership and specifies the manner of selection for each member.

NOW, THEREFORE, BE IT

RESOLVED, that Aaron Saykin is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2018; and be it further

RESOLVED, that Joshua Heim is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2018; and be it further

RESOLVED, that Steven Sanders is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2017; and be it further

RESOLVED, that John Mills is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2016; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, and Scott W. Kroll, Deputy Comptroller for Audit.

MR. LORIGO moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Add the Following Resolve Clause:

RESOLVED, that Legislator Thomas A. Loughran is hereby appointed as the Minority Caucus representative to the Erie County Audit Committee for a term ending December 31, 2016; and be it further

MR. LORIGO moved to approve the item as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 23 – CHAIR MILLS directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 1-2 from LEGISLATORS MILLS & MORTON. Inclusion of Viable Agricultural Lands Into an Agricultural District.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 24 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-15 from the COUNTY EXECUTIVE. Re: Appointment and Reappointment to the EC Board of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 25 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-16 from the COUNTY EXECUTIVE. Re: Department of Mental Health - Accepting OMH Grant Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 26 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-17 from LEGISLATOR LOUGHRAN. Re: Lease Agreement for Legislative Office Space

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 27 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-18 from LEGISLATOR SAVAGE. Re: Lease Agreement for Legislative Office Space

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE DISTRICT ATTORNEY

Item 28 – (COMM. 1E-1) Appointment to 2016 EC Charter Revision Commission

Received, filed and printed.

December 31, 2015

Karen McCarthy
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Ms. McCarthy:

Under the terms of the law establishing the Charter Revision Commission of Erie County, I hereby appoint Joseph P. Heins residing at 372 Sprucewood Terrace, Williamsville, New York 14221 as my representative to the Charter Revision Commission of Erie County.

Mr. Heins can be reached at XXX-XXX-XXXX.

Thank you for your assistance.

Very truly yours,
FRANK A. SEDITA III
Frank A. Sedita, III
Erie County District Attorney

FROM CHAIR MILLS

Item 29 – (COMM. 1E-2) Letter Regarding Appointments to 2016 EC Charter Review Commission

Received, filed and printed.

December 23, 2015

Dear Elected Official,

The Erie County Legislature unanimously adopted and the County Executive has signed Local Law Intro. 9-1 (2015) into law reinstating the Erie County Charter Revision Commission.

In accordance with Local Law 4 (2005), the Commission is to study the operations of Erie County and determine whether the Erie County Charter and Erie County Administrative Code should be amended to increase and maintain the effectiveness of County government. The Commission will submit a final report with findings and recommendations to the County Legislature and County Executive.

Local Law 5 (2015) states the membership of the Commission includes:

Three (3) appointments shall be made by the Erie County Executive. One (1) appointment shall be made by the Erie County Comptroller. One (1) appointment shall be made by the Erie County Clerk. One (1) appointment shall be made by the Erie County Sheriff. One (1) appointment shall be made by the District Attorney for Erie County. Each legislative district shall have one (1) appointment made by the districts representative. And one (1) additional appointment shall be made by the Chairman of the Legislature.

The law specifies the Commission is to be seated by January 15, 2016 and report its recommendations to the Erie County Legislature no later May 15, 2016.

To be eligible to serve on the Commission the appointee cannot hold public office, be an employee of the County nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.

Please submit the name, address, phone number and e-mail of your respective appointee to the Commission to the Clerk of the Legislature at your earliest convenience.

If you have any questions you may contact, Karen McCarthy, Clerk of the Legislature, at 858.8738 or karen.mccarthy@erie.gov.

Thank you in advance for submitting your appointment to the Charter Revision Commission.

Sincerely,
JOHN J. MILLS
John J. Mills
Chairman

cc: Hon. Mark C. Poloncarz, Hon. Stefan I. Mychajliw, Hon. Christopher L. Jacobs, Hon. Timothy Howard, Michael Flaherty, Hon. Barbara Miller-Williams, Hon. Betty Jean Grant, Hon. Peter J. Savage III, Hon. Kevin R. Hardwick, Hon. Thomas A. Loughran, Hon. Edward A. Rath III, Hon. Patrick B. Burke, Hon. Ted B. Morton, Hon. Lynne M. Dixon, Hon. Joseph C. Lorigo

FROM THE COUNTY EXECUTIVE

Item 30 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Appointment to ECC Board of Trustees
(COMM. 1E-3)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Timothy C. Callan, Ph.D of 73 Kenton Road, Kenmore, NY 14217 to serve on the Erie Community College Board of Trustees for a term expiring June 30, 2022.

Item 31 – (COMM. 1E-4) EC Highway Facility Clarence - 2016 - New Maintenance Building

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 1E-5) EC Sewer Districts - NYSDOT Utility Work Agreement

Item 33 – (COMM. 1E-6) EC Parks System - Agreement Amendment for Park Paving

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR BURKE

Item 34 – (COMM. 1E-7) Letter to Legislature Chair Regarding Request for a Public Hearing on Local Law Intro. 5-1 (2015)

Received and filed.

MR. BURKE moved to challenge the direction of the Chair to receive and file the item. No second.

FAILED.

FROM THE COMPTROLLER

Item 35 – (COMM. 1E-8) Review of the Trinity Services Group LLC - Food Services Contracts at the Youth Detention Facility - Oct. 1, 2014-Mar. 31, 2015

Item 36 – (COMM. 1E-9) Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Sept., Oct. and Nov. 2015

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR BURKE

Item 37 – (COMM. 1E-10) Letter to Legislature Chair Regarding Access to LexisNexis

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 38 – (COMM. 1E-11) Department of Social Services - Safe Harbor for Exploited Children

Item 39 – (COMM. 1E-12) Department of Health - Approval of Application for ALS-FR Service and Certificate of Need for EMS & SMART

Item 40 – (COMM. 1E-13) Department of Health - Cancer Services Direct Care Cost of Living Adjustments

The above three items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 41 – (COMM. 1E-14) Central Police Services - Position Add/Delete

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 42 – (COMM. 1D-1) Reduction of Agenda Items During 2016

Received, filed and printed.

TO: Members of the Erie County Legislature
FROM: Karen M. McCarthy, Clerk
DATE: December 23, 2015
SUBJECT Reduction of Agenda Items as of January 1, 2016

In accordance with the 2015 Rules of the Legislature §5.05 as amended the attached items will be removed from the Erie County Legislature's agenda as of January 1, 2016.

Thank you.

cc: Jonathan Rivera

ERIE COUNTY LEGISLATURE

In accordance with Section 5.05 of the Legislature's 2015 Rules of Order (as amended)
Agenda Items to be Removed During 2016

ITEM NUMBER	REMOVAL DATE	FROM	SUBJECT
<u>COMMUNITY ENRICHMENT COMMITTEE</u>			
Comm. 1E-12	Jan 29	County Executive	OPEN ITEM - ECC Academic Building Design & Construction
Intro. 9-4	May 12	Burke	Calling on Albany to Fully Fund Public Education in NYS
Comm. 10E-9	May 26	County Executive	OPEN ITEM: ECC STEM Building Project
Intro. 24-1	Dec 15	Miller-Williams	Support for ECC Consolidating Its Nursing Program at a Downtown Location
Comm. 25M-8	Jan 2017	Buffalo & EC Public Library	December 17, 2015 Board of Trustees Agenda
<u>ECONOMIC DEVELOPMENT COMMITTEE</u>			
Comm. 2E-16	Feb 4	County Executive	OPEN ITEM-Town of Evans Shoreline Trail-Multi-Use Pathway-Phase III Design
Intro. 5-1	March 17	Burke, Grant, Miller-Williams, Savage & Loughran	Calling on NYS to Provide Needed Funding to the NFTA

LL Intro. 6-1	April 14	Rath	A LL Authorizing the Direct Transfer of Auto Bureau Revenue to the Road Fund
Comm. 10E-15	May 26	County Executive	Buffalo and EC Botanical Gardens 2015 Houses 2 & 3 Renovations
Comm. 10E-33	May 26	Rath	OPEN ITEM: EC Road Work Update
Intro. 15-4	Sept 1	Burke	Resolution to Improve Pedestrian Safety Along Tiffit St in the City of Buffalo
Intro. 15-5	Sept 1	Burke	Resolution to Encourage Verizon Communication to Apply to the PSC for a Franchise to Allow the Installation of FiOS throughout EC
Intro. 17-1	Sept 22	Morton	Calling on the CE to Complete the Widening of William St
Comm. 18E-6	Oct 6	County Executive	PILOT Agreement for HELP Buffalo II
Comm. 21D-7	Dec 1	Clerk of the Legislature	Documents Received Regarding ECIDA Pay Equity Policy
Comm. 25E-7	Jan 2017	County Executive	Extension of QEZE Refund/Credit Program
Comm. 25M-9	Jan 2017	Erie Canal Harbor Development Corporation	Buffalo Outer Harbor Access & Activation Civic Project

ENERGY & ENVIRONMENT

Comm. 12E-21 (2014)	Jan 7	Morton	Site of Former EC Home
Intro. 3-3	Feb 18	Morton	Gas Tax Cap in EC
Comm. 5E-20	March 17	County Executive	OPEN ITEM-Division of Sewer Mgmt Re-Occurring Bond Authorization & Re-Occurring Sewer Agency Reports
LL Intro. 5-1	March 25	Burke, Grant & Miller-Williams	A LL to Establish an Animal Abuse Registry
Comm. 6E-3	April 14	Burke	Letter from Sheriff's Office Re: Animal Abuse Registry Law
Comm. 6M-11	April 14	SPCA	Letter Re: EC Animal Abuse Registry
Intro. 14-3	July 28	Miller-Williams	Supporting Acquisition & Renovation of Former Fosdick Field at City Honors as an All-Weather Field & Public Park

Intro. 19-6	Nov 3	Burke	Consolidating Municipal Sewers in EC
Comm. 20D-5	Nov 17	Environment & Planning	2015 Agricultural Dist Modification Requests
Comm. 21E-11	Dec 1	Burke	Review of Public Discussion on the Status of Lake Erie Water Quality
Comm. 21D-12	Dec 1	Environment & Planning	Addendum to Proposed Modifications to Agricultural Districts
Comm. 24E-5	Dec 15	County Executive	EC Sewer Dist Board of Managers Appts
Comm. 25E-20	Jan 2017	Energy & Environment	EC Sewer District No. 3-Capital Project C.00038
Comm. 25D-7	Jan 2017	Environment & Planning	Letter Regarding Potential Modifications to EC Agricultural District 17
Comm. 25D-8	Jan 2017	Dept of Health	Letter Regarding Potential Modifications to EC Agricultural District 17

FINANCE & MANAGEMENT

Comm. 26E-26 (2014)	Jan 7	County Executive	2015-2018 Revised EC Four Year Financial Plan
Comm. 1E-5	Jan 21	Comptroller	Audit of Correctional Health Services & Inmate Medical Costs for 1/2011-12/2013
Comm. 1D-9	Jan 21	EC Real Property Tax Services	OPEN ITEM Correction of Errors/NYS Real Property Tax Law
Comm. 1D-10	Jan 21	Dept of Health	CE Response to Comptroller's Audit Concerning Health Services
Intro. 2-5	Feb 4	Rath & Lorigo	Requesting NYS Pass Legislation to Allow Counties to Charge Inmates Medical Copays
Comm. 2M-15	Feb 4	Partnership for the Public Good	Statement on Requiring Inmates to Make Medical Co-Payments
Comm. 3E-5	Feb 18	Comptroller	Report on Motor Fuel Tax in EC
Comm. 4D-12	March 3	County Attorney	Co-Pays for Inmates in the Custody of the EC Sheriff
Intro. 15-3	Sept 1	Miller-Williams	Support for Direct Deposit Payments to Child Care Providers in EC
Intro. 17-4	Sept 22	Lorigo	Opposition to Increase in Minimum Wage
Intro. 18-6	Oct 6	Burke	Enforcing the Prosecution of Illegal Ticket Resale to the Fullest Extent of the Law

Intro. 19-3	Nov 3	Morton	Request of State Liquor Authority to Change Closing Time of EC Bars
Intro. 19-4	Nov 3	Loughran	A Review of the Facts Surrounding the Issue of change Closing Time of EC Bars
Comm. 19M-9	Nov 3	EC Rights Coalition	Letter Regarding Changing the Closing Time of EC Bars
Comm. 20E-19	Nov 17	Miller-Williams	Buffalo Place Inc Resolution Re: Support for Earlier Bar Closings in EC
Comm. 21E-12	Dec 1	County Executive	Memo from Central Police Services-Stop DWI Program Re: Potential Change of Closing Time of Bars
Comm. 21E-13	Dec 1	Miller-Williams	Correspondence Received Regarding Potential Change of Closing Time of Bars
Comm. 21M-5	Dec 1	James & Nicole Puskas	Letter Re: Opposition to the Proposed Change of Bar Closing Time
Intro. 25-3	Jan 2017	Miller-Williams	Handling of Unclaimed Funds Received by EC Comptroller as a Result of Foreclosure Sales by the City of Buffalo
Comm. 25E-21	Jan 2017	Comptroller	Contract Compliance Review of the Buffalo Urban League Contract for Preventive Services with the Dept of Social Services for Period Jan-Dec 2014
Comm. 25D-9	Jan 2017	Comptroller	Notice of Audit of EC Clerk's Office Registrar Division Regarding the Mortgage Transfer Tax-NFTA for Period April-Sept 2015
Comm. 25D-10	Jan 2017	Budget & Management	BMR for Period Ending Oct 31 2015
Comm. 25M-10	Jan 2017	Town of Elma	Town Resolution Regarding the Refugee Resettlement

GOVERNMENT AFFAIRS

LL Intro. 2-2	April 14	Hardwick, Dixon, Morton, Mills & Rath	A LL Instituting Term Limits for All Elected Officials of County Government
LL Intro. 7-1	April 28	Lorigo	A LL Retroactively Instituting Term Limits for Elected Officials of County Government
Intro. 16-3	Sept 22	Burke & Grant	NFTA Pre-Tax metroPerks Program
Intro. 16-4	Sept 22	Burke, Grant & Miller-Williams	Auto Insurance Premiums Based on Income

Intro. 18-5	Oct 6	Burke	Inclusion of Poland in the Visa Waiver Program
Intro. 19-5	Nov 3	Burke	Supporting the Legal Ban on Gay Conversion Therapies in EC
Comm. 24E-8	Dec 15	County Executive	Veto Message of LL Intro. 4-2
Comm. 24D-7	Dec 15	County Attorney	Transmittal of New Claims Against EC
Comm. 25D-11	Jan 2017	County Attorney	Transmittal of New Claims Against EC

HEALTH & HUMAN SERVICES

Intro. 4-2	March 3	Miller-Williams, Grant, Savage & Burke	Supporting NYS Legislation to Increase Funding for Child Care Subsidies
Comm. 11E-20	June 9	Mills	OPEN ITEM: EC Dept of Social Services Child Protective Services Updates
Comm. 11E-21	June 9	Mills	OPEN ITEM: EC Dept of Social Services Adult Protective Services Updates
Intro. 19-7	Nov 3	Burke	Supporting an Increase in Drug Rehabilitation Funding in EC

PUBLIC SAFETY

Comm. 26E-20 (2014)	Jan 7	Sheriff	Authorization to Accept Gifts
LL Intro. 3-1	Feb 18	Burke	A LL Ensuring Access to 911 Emergency Svcs
Comm. 4E-20	March 3	Sheriff	Re-Open Twenty-Year Retirement Enrollment
Comm. 11E-29	June 9	Sheriff	OPEN ITEM: Funding for Departmental Purchases from Forfeiture Crime Proceeds
Comm. 11E-30	June 9	Sheriff	OPEN ITEM: Funding for Departmental Purchases from Jail Phone Revenue Acct
Comm. 25E-22	Jan 2017	County Executive	Dept of Emergency Services FEMA Advancement to Newton Abbott Fire Dept

Item 43 – (COMM. 1D-2) 2016 Budget Accountability Requirement Notifications

Item 44 – (COMM. 1D-3) Documents Received Regarding Refugee Resettlement Process

Item 45 – (COMM. 1D-4) NYS DEC Documents Received

The above three items were received and filed.

FROM THE COUNTY ATTORNEY

Item 46 – (COMM. 1D-5) Notice of Public Hearing Regarding Local Law Intro. No. 1-5 (2015)

Item 47 – (COMM. 1D-6) Notice of State Filing Law No. 4 (2015)

Item 48 – (COMM. 1D-7) Notice of State Filing Law No. 5 (2015)

The above three items were received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF BRANT

Item 49 – (COMM. 1M-1) Town Resolution Regarding the Termination of 1977 Sales Tax Revenue Distribution Agreement

Received and filed.

FROM THE VILLAGE OF FARNHAM

Item 50 – (COMM. 1M-2) Town Resolution Regarding the Termination of 1977 Sales Tax Revenue Distribution Agreement

Received and filed.

FROM THE VILLAGE OF WILLIAMSVILLE

Item 51 – (COMM. 1M-3) Village Resolution Regarding Support of a Youngs Rd NYS Thruway Interchange

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM HODGSON RUSS LLP

Item 52 – (COMM. 1M-4) Letter Regarding Potential Modifications to EC Agricultural District 17

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ISLE CHEM LLC

Item 53 – (COMM. 1M-5) Letter Regarding Potential Modifications to EC Agricultural District 17

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF AURORA

Item 54 – (COMM. 1M-6) Letter Regarding Potential Modifications to EC Agricultural District for Aurora Community Gardens

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC AUDIT COMMITTEE

Item 55 – (COMM. 1M-7) Annual Report for Year Ended Dec. 31, 2014

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF HEALTH

Item 56 – (COMM. 1M-8) Agenda for Jan. 19, 2016 Meeting and Minutes from Previous Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 57 – MS. GRANT announced CNN’s “AC360: Guns in America: Obama Town Hall” is scheduled to air January 7, 2015 at 8:00 pm, and a forum, “Let’s Talk About It,” regarding homicides and gun control, hosted by We Are Women Warriors, is scheduled for January 20, 2015, 5:30 p.m. at Frank E. Merriweather Library, Buffalo.

Item 58 – CHAIR MILLS announced the committee schedule for January 14, 2015 has been distributed.

Item 59 – CHAIR MILLS announced an Informational Meeting regarding opioid use in Erie County is scheduled during the Health & Human Services Committee on January 14, 2015 at 2:15 p.m.

Item 60 – CHAIR MILLS announced the next regularly scheduled legislative session is January 21, 2016.

MEMORIAL RESOLUTIONS

Item 61 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Linda Chiari, Matthew J. Czerwicz, and Joan M. Slattery.

Item 62 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Lucille E. Walter and David L. Ward.

Item 63 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of former State Supreme Court Justice and Erie County District Attorney Kevin M. Dillon, Nancy E. Dugan, and Steven Michael Muskopf.

Item 64 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Charles J. Vohwinkel.

Item 65 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Richard A. Batt.

Item 66 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Cora Lee Gipson and Eva Malinda Noles.

ADJOURNMENT

Item 67 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, January 21, 2016 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, January 21, 2016 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY
CLERK OF THE LEGISLATURE**