

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 99
Recommendation No. _____**

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Sponsored by Commission Member _____

A RECOMMENDATION to amend the Erie County Charter in relation to making the charter gender neutral

The Erie County Charter Revision Commission of 2016 does hereby recommend as follows:

Section 1. Commission Intent. It is the intent of the Erie County Charter Revision Commission of 2016 that the Erie County Charter be gender neutral throughout.

§ 2. The Erie County Charter shall be amended throughout as follows:

All references of “he,” without a corresponding reference to “she,” shall be stricken and replaced by he or she.

All references to “him,” without a corresponding reference to “her,” shall be stricken and replaced by him or her.

All references to “his,” without a corresponding reference to “her,” shall be stricken and replaced by his or her.

**Introducer's Memorandum to
Recommendation Intro. No.99**

Sponsor: Aldinger

The intent and purpose of this recommendation is to make the Erie County Charter gender neutral by including both the male and female pronouns whenever they occur in the Charter.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.100
Recommendation No._____

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 1 be amended to read as follows:

~~105. Legislative districts.~~

~~106. Legislative districts continued.~~

Section 101. Title and purpose. This charter and all amendments hereto shall constitute the form of government for the county of Erie and shall be known and cited as the "Erie county charter." Among the purposes of this charter are the accomplishment of greater economic efficiency, and responsibility in county government; the securing of all possible county home rule; the review of mandates as provided for by state law; the coordination of planning and economic development; the encouragement of inter-governmental cooperation among the cities, towns, villages throughout the County; and the separation of county legislative and executive functions. Amended by Local Law No. 3-2006.

Section 102. County status, powers and duties. The county of Erie shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter or by the applicable law.

Section 103. Charter effect on state laws. Within the limits prescribed in the New York state municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the county of Erie and its government are affected.

Amended by Local Law No. 7 1974.

Section 104. Charter effect on local laws and resolutions. Except to the extent inconsistent with this charter, all existing laws and resolutions heretofore adopted by the county legislature of the county shall continue in force until amended, superseded or repealed as provided herein.

~~**Section 105. Legislative Districts.** The county of Erie is hereby divided into eleven districts, described as follows:~~

~~**DISTRICT NO. 1**~~

Bounded on the west by Lake Erie, being part of the Town of Hamburg except the south part which is in Legislative District 12; all of the City of Lackawanna; and the southwest part of the City of Buffalo contiguous to Legislative Districts 6, 3, and 2; and except Legislative Districts 7 and 11.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie Lackawanna Railroad; thence southwesterly along the centerline of the Erie Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of

Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tifft Street; thence northeasterly along the centerline of Tifft Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca. The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

DISTRICT NO. 2

The south part of the City of Buffalo and the south west part of the Town of Cheektowaga bounded on the west by Legislative District 1, on the north by Legislative Districts 3 and 8, on the east by Legislative District 8, Legislative District 9 and the Town of West Seneca and on the south by Legislative District 1 and the Town of West Seneca. The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie Lackawanna Railroad; thence southwesterly along the centerline of the Erie Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tifft Street; thence northeasterly along the centerline of Tifft Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca. The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of

Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga;

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwesterly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

DISTRICT NO. 3

Part of the City of Buffalo bounded on the east by Cheektowaga and Legislative District 1; on the north by Legislative Districts 7 and 6; on the west by Legislative Districts 6 and 1; and on the south by Legislative Districts 1 and 2.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence

northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue;

thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwestly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwestly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

DISTRICT NO. 4

All of the Towns of Newstead, Clarence, Amherst, and Cheektowaga, excepting there from those portions of the Town of Amherst and the Town of Cheektowaga which lie within Legislative Districts 2, 8, 9, 14 and 15, which exceptions are the westerly portion of the Town of Amherst and the south and west portions of the Town of Cheektowaga. The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee

Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

DISTRICT NO. 5

The Towns of Sardinia, Holland, Wales, Marilla, Alden, Elma, and Lancaster, excepting there from that portion of the Town of Lancaster which lies within District 8, adjacent to Transit Road.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

DISTRICT NO. 6

The north west part of the City of Buffalo, bounded on the north by the Town of Tonawanda; on the east by Legislative Districts 11, 7, and 3; on the south by Legislative District 1; not including Legislative District 2.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street;

thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

DISTRICT NO. 7

The north east corner of the City of Buffalo bounded on the north by the Town of Amherst and Legislative District 11; on the east by the Town of Cheektowaga; on the south by Legislative District 3; and on the west by Legislative Districts 6 and 11.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection

with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street;

thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

DISTRICT NO. 8

Part of the Towns of Cheektowaga and Lancaster; bounded on the west by the City of Buffalo; on the north by Legislative Districts 14 and 4; on east by Legislative District 5; and on the south by Legislative Districts 9 and 2.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an

extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence

westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the center line of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwestly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

DISTRICT NO. 9

All of the Town of West Seneca and the south part of the Town of Cheektowaga; excepting from the Town of Cheektowaga Legislative Districts 2, 8, 14, and 4:

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence

westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

DISTRICT NO. 10

All of the Town of Grand Island; all of the City of Tonawanda; and part of the Town of Tonawanda, excepting from the Town of Tonawanda Legislative Districts 11 and 14. The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwestly along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the

City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue;

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

DISTRICT NO. 11

Part of the Town of Tonawanda; excepting Legislative Districts 10 and 14; and part of the City of Buffalo bordered by Legislative Districts 6 and 7; and excepting Legislative Districts 1, 2, and 3.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwestwardly along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue;

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway;

thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

DISTRICT NO. 12

All of the Towns of Brant, North Collins, Boston, Eden, Evans, and Hamburg, except the northerly portion of the Town of Hamburg which lies in Legislative District 1.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

DISTRICT NO. 13

All of the Towns of Orchard Park, Aurora, Colden, Concord and Collins.

DISTRICT NO. 14

Part of the Town of Tonawanda except Legislative Districts 10 and 11; part of the Town of Amherst except Legislative Districts 15 and 4; and part of the Town of Cheektowaga except Legislative Districts 4, 8, 9, and 2.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road projected to the west; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

DISTRICT NO. 15

The Town of Amherst except Legislative Districts 14 and 4.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres

~~Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.~~

~~Section 105 Amended by Local Law No. 1-2010.~~

~~Section 105 Amended by Local Law No. 3-2006.~~

~~Section 105 Amended by Local Law No. 4-2002.~~

~~Section 105 Amended by Local Law No. 2-1991.~~

~~Section 105 Amended by Local Law No. 3-1981.~~

~~Section 105 Amended by Local Law No. 6-1971.~~

~~Section 105 Amended by Local Law No. 1-1967.~~

Section 106. Legislative Districts, continued. ~~The fifteen legislative districts as previously bounded and described by Local Law No. 4-2002, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, 2012. For the purpose of the general election of 2011 and all other purposes, except as herein before provided, the county of Erie is divided into eleven districts, described as contained in section one hundred five herein.~~

~~Section 106 Amended by Local Law No. 1-2010.~~

**Introducer's Memorandum to
Recommendation Intro. No. 100**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to conforming the Charter to the fact that there are only 11 legislative districts and that this districts are imposed by order of a federal court.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 102

Recommendation No. _____

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 2 be amended to read as follows:

Section 201. County legislature constituted.

202. Powers and duties.

202.1 Qualifications and eligibility of county legislators.

202.2 Elections and terms of office.

202.3 Increasing the salaries of county elected officials.

203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts.

204. Form and procedure.

- 205. Procedure for adoption of local laws.
- 206. Filing and publication of local laws; judicial notice.
- 207. Referendum.
- 208. Effective date.
- 209. Ordinances.
- 210. Independent Commission on Reapportionment. ~~Advisory committee on reapportionment.~~
- 211. Approval of independent auditors.

**Introducer's Memorandum to
Recommendation Intro. No. 102**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is make conforming changes upon approval of a Independent Redistricting Commission.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

Recommendation Intro. No. 103

Recommendation No. _____

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 201 be amended to read as follows:

Section 201. County legislature constituted. The county legislature shall be composed of eleven members who shall be elected one from each of the eleven legislative districts ~~set forth in section one hundred five hereof~~. The county legislators representing the eleven districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

**Introducer's Memorandum to
Recommendation Intro. No. 103**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is make conforming changes upon approval of an Independent Redistricting Commission, as that proposal would not establish legislative districts in the Charter as has been past practice.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 104

Recommendation No. _____

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 202.2 be amended to read as follows:

Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years; provided that county legislators elected in the year 2017 shall hold their respective offices for a term of four years; and provided further that county legislators elected to represent legislative districts properly established by the Independent Commission on Reapportionment pursuant to Section 210 of this Article after the year 2017 shall serve a term of four years.

**Introducer's Memorandum to
Recommendation Intro. No. 104**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is make County Legislative terms four years long. A majority of legislators have commented that the current two-year cycle results in constant politicking at the expense of governance. Additionally, four-year terms are made contingent upon independent redistricting.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 106

Recommendation No. _____

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 202.3 be amended to read as follows:

Section 202.3. Increasing the salaries of county elected officials. The Erie county legislature is hereby prohibited from changing the salary of any county elected official, excluding the district attorney, except in accordance with the following procedure:

Any salaries approved by the county legislature in excess of those recommended by the citizens salary review commission, and included in the tentative operating budget as provided for in Section 22-B-02 of this Charter, shall be approved by a vote of at least two thirds of the members of the county legislature.

- ~~1. Prior to acting upon the citizens salary review commission's biennial report, the county legislature shall hold at least one public hearing to solicit public input on said commission's recommendations.~~
- ~~2. Notices of all such public hearings shall be published at least once in the official newspaper or newspapers of the county and in such other newspapers as the county legislature may direct. At least five days but not more than ten days shall elapse between the first publication of such notice and the date specified for the hearing.~~
- ~~3. The county legislature shall have one year from the date said recommendations are submitted to adopt, modify, or reject the recommendations of the citizens salary review commission.~~

- ~~4. Any salaries approved by the county legislature in excess of those recommended by the citizens salary review commission shall be approved by a vote of at least two thirds of all the members of the county legislature.~~
5. ~~The county legislature shall specifically establish the effective date of any adjustments in the salaries of elected county officials.~~ No increase in the salary of an elected official shall be permitted for any fiscal year in which there is an increase in the real property **full value** tax ~~levy~~ **rate** over the **real property full value** tax ~~levy~~ **rate** of the previous fiscal year. ~~Amended by Local Law No. 1 1992.~~

The county legislature's review of salaries as set forth above shall occur during every even year starting with nineteen hundred eighty six.

**Introducer's Memorandum to
Recommendation Intro. No. 106**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is provide an alternative procedure for raising elected officials pay utilizing the budget process.

Recommendation to Amend the Erie County Charter

Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 107

Recommendation No. _____

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 204 be amended to read as follows:

Section 204. Form and procedure. Every local law shall be entitled "A local law" (amending etcetera or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

1. The Legislature shall hold a public hearing 5-days before a local law, that is not certified as to the necessity of its immediate passage, can be put to a vote; acceptable public notice for this type of public hearing includes posting a notice on the county's official website and distribution of the notice to local media outlets. **No local law shall be certified as to the necessity of its immediate passage except pursuant to a resolution adopted by 2/3 of Legislature.**
2. **If the Legislature amends a proposed local law following a public hearing held pursuant to paragraph (1), the Legislature shall not be required to have a subsequent public hearing, provided that:**
 - a) **The amendments made to original proposed local law are:**
 - I. **In character with the scheme of the original proposed local law; and**
 - II. **The logical outgrowth of the comments given or submitted at the public hearing or comments received from the county**

- attorney pursuant to paragraph (3); and
- b) The proposed local law as amended neither:
- I. Materially alters the issues involved in the original proposed local law; nor
 - II. Substantially departs from the terms or substance of the original proposed local law.

The final form of a proposed local law shall be upon the desks of the Legislature and accessible to the public on the County's website for at least five calendar days excluding Saturdays and Sundays prior to its final passage.

3. Following a public hearing held pursuant to paragraph (1) or at any other time as the Legislature may by resolution request, the county attorney shall, no later than 14 days after such a public hearing or resolution, render to the Legislature an opinion as to whether the a proposed local law or ordinance is of proper form, including, but not limited to, whether a proposed local law or ordinance is preempted by state or federal law; whether proposed local law or ordinance is written in a grammatically sound manner as to achieve its intent; and whether proposed local law or ordinance contains ambiguities which may frustrate its implementation and/or enforcement as intended.

~~Subsection a. Amended by Local Law No. 3-2006.~~

**Introducer's Memorandum to
Recommendation Intro. No. 107**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to allow public input from a public hearing to be incorporated into a local law without requiring a new public hearing, provided the substance of the final local law does not vary significantly from the original proposed local law.

Recommendation to Amend the Erie County Charter

Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 108

Recommendation No. _____

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 210 be amended to read as follows:

Section 210. Independent Commission on Reapportionment.

A. A Commission on Reapportionment shall be established as soon as practicable after the availability of data from the census of 2020 to meet and evaluate existing legislative districts no later than 60 days after the necessary census data becomes available from the decennial federal census and reapportion them as necessary to meet established standards in state and federal law for equal and fair representation of all people in Erie County, keeping districts compact and contiguous while taking also into account existing town, city, village and election district boundaries and defining geographic features but giving no consideration to providing advantage to one or another political party. To the extent practicable, each new legislative district created by the Commission shall embrace territory substantially similar to the territory of a single existing legislative district.

This Commission shall consist of seven members who are County residents, are eligible to register to vote and are not public officers or employees

B. To establish a pool from which members will be appointed, no later than three months prior to the anticipated first meeting of the Commission on Reapportionment, the County Executive shall widely solicit interest in serving on

the Commission through such means as direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.

C. Initial appointments to the Commission on Reapportionment from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than 60 days after the census data becomes available, with two members appointed by the Legislature's majority leader and two members by the Legislature's minority leader.

D. These four appointed Commissioners shall select the additional three Commission members from the pool previously established no later than 70 days after the census data becomes available. In the event that the additional three Commission members are not appointed by the prescribed deadline, the appointment of the initial four members will no longer have force and effect and these members will no longer be eligible to serve on the Commission on Reapportionment. The majority and minority leaders will make alternative appointments in the manner prescribed in this section, and the four newly appointed members will appoint three additional members so as to allow the Commission to convene no later than six months after the census data becomes available.

E. The Commission will reapportion in accordance with a process that allows timely input from the County Legislature and its members and the maximum of public participation and comment, and in accord with a calendar it adopts for itself after consideration of New York State Election Law that assures that elections in newly apportioned districts will be held in "1" in every decade.

The legislative districts created by the commission shall be in effect for all elections held after the plan is filed and until a new plan is required and filed, unless amended by court order.

~~Advisory committee on reapportionment. During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the county legislature on whether and how the county legislature should be reapportioned consistent with federal and state law. During the first two months the chairman of the county legislature shall give public notice of the intent to create such an advisory committee and shall invite interested persons and groups to inform the county legislature of their availability to serve on such an advisory committee. The county legislature shall appoint the advisory committee consisting of fifteen members, as follows: the~~

~~chairman of the county legislature or his or her designee, the majority and minority leaders of the legislature or their designees, the commissioners of the board of elections or their designees, and ten residents of Erie county representing interested community groups, five of whom shall be appointed by the majority leader and five of whom shall be appointed by the minority leader. The chairman of the advisory committee shall be appointed by the chairman of the legislature. The advisory committee shall submit its final report to the county legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie county, whichever is later. At any time prior to the expiration of this term, the county legislature may extend such term once, for a period not to exceed thirty days.~~

~~Amended by Local Law No. 7 1981.~~

**Introducer's Memorandum to
Recommendation Intro. No.108**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is create a truly independent redistricting commission that will craft new districts following each census.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 109

Recommendation No. _____

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 3 be amended to read as follows:

~~305. Division of budget and management.~~

3056. Division of purchase; purchasing act Repealed.

3067. Administrative heads; term; interim appointment; appointment of other officers and employees.

3078. Confirmation by county legislature.

3089. Powers of deputy county executive.

3910. Division of information and support services.

31011. Veterans' service agency.

**Introducer's Memorandum to
Recommendation Intro. No.109**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is make conforming changes upon approval of an Office of Management and Budget.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 110
Recommendation No. _____

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 302 be amended to read as follows:

Section 302. Powers and duties. The county executive, in addition to any other powers and duties provided by this charter shall:

- a. Except as otherwise provided in this charter, and subject to confirmation where so provided, appoint to serve during his or her pleasure the head of every department and other administrative unit of the county and the officers and employees in his or her own office.
- b. Be the chief executive officer and administrative head of the county government.
- c. Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which he or she has power to appoint.
- d. Be the chief budget officer of the county.
- e. Determine and fix real property tax equalization rates among the various taxing districts of the county for county purposes and file the same with the county legislature on or before the first day of November in each year.
- f. Have authority to appoint and terminate one or more temporary advisory boards of citizens of the county who shall, without compensation other than such necessary expenses as may be provided in the budget, assist in the consideration of county administrative policies and programs.
- ~~g. Annually designate one or more depositories located within the county for the deposit of all moneys received by the commissioner of finance.~~
- ~~g.~~ **h.** Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings.
- ~~h.~~ **i.** Report to the county legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, the

activities of the several administrative units of the county during the preceding fiscal year in such detail as the county legislature shall direct.

- i. ~~j.~~ Appoint a member of the county legislature to serve as chairman of such legislature (1) for the remainder of the calendar year in case the county legislature has failed to select a chairman on or before February first, or (2) for the unexpired term of the previous chairman in case the county legislature has failed to select a chairman within thirty days after a vacancy has occurred in the office of the chairman.
- j. ~~k.~~ Perform such other duties and have such other powers as may be prescribed for him by law, administrative code, county ordinance or resolution.
- k. ~~l.~~ In addition to the powers set forth in this charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this charter.
- l. ~~m.~~ Have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.
- m. ~~n.~~ Subject to section nineteen hundred two, section eighteen hundred thirteen and section two hundred eleven of this charter, contract with a firm of certified public accountants to perform an annual independent audit of county financial accounts to be completed and delivered to the county legislature within five months after the end of each fiscal year.

Amended by Local Law No. 5 1985.

Amended by Local Law No. 1 1982.

- n. ~~o.~~ Determine annually the amount of capital borrowings required to fund capital projects which were approved by the legislature in the current or prior year budgets.

Added by Local Law No. 8 1988.

- o. ~~p.~~ Provide the comptroller by February fifteenth, or as soon as possible, thereafter, of each year with a listing of the capital projects the county plans to initiate during the fiscal year. Said listing shall describe each project, start up date, and the annual cash requirements until completion. Changes to this listing are to be provided throughout the fiscal year, as required.

Added by Local Law No. 8 1988.

- p. ~~q.~~ Periodically advise the comptroller of short term borrowing needs due to requirements that the comptroller may not be aware of.

Added by Local Law No. 8 1988.

- g.** ~~†~~ After preparation by comptroller, approve as to content all official statements necessary for the county to issue bonds or notes.

Added by Local Law No. 8 1988.

- r.** ~~†~~ Not be an officer, director, or stockholder of any depository or depositories designated by him pursuant to this section.
- s.** ~~†~~ Have authority to appoint, subject to confirmation by the county legislature, **and** county officer to be the county's records management officer. The county records management officer, who shall serve at the pleasure of the county executive, shall operate a records management system for the orderly and efficient management of all county records, including the provision of storage and retrieval services with respect to such records in any form, requiring either the retention of the contents or the actual preservations of such records, the identification and appropriate administration of county records deemed by him to have enduring value for historical or other research, and the coordination of the legal disposition of county records, including those which are obsolete. All county departments shall be required to avail themselves of said system.

~~Subsection s. Added by Local Law No. 8 1988.~~

**Introducer's Memorandum to
Recommendation Intro. No.110**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove the power of the County Executive to designate one or more depositories located within the county for the deposit of all moneys received by the director of real property tax services. This is a conforming amendment if the division of real property tax services is moved into the comptroller's office.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 111
Recommendation No. _____

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 3 be amended as follows:

~~**Section 305. Division of budget and management.** There shall be in the office of the county executive a division of budget and management headed by a director of budget and management who shall be appointed by and will serve at the pleasure of the county executive. The director of budget and management shall assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller. The director of budget and management shall report to the county executive on the implementation of such audit recommendations and his or her actions pertaining to efficiency and productivity monitoring.~~

~~All reference contained in this charter to the budget director shall be deemed to refer to the director of budget and management.~~

~~Amended by Local Law No. 2-2005.~~

~~Amended by Local Law No. 4-1985.~~

~~Amended by Local Law No. 3-1979.~~

That new section 305 be inserted to read as follows:

Section 3056. Division of purchase; purchasing act repealed. There shall be in the office of the county executive a division of purchase, headed by a purchasing director who shall be appointed by and serve at the pleasure of the county executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years professional training in the area of purchasing, or shall possess a combination of said requirements totaling at least five years. The purchasing director shall, in accordance with requirements as to advertising and

competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the county, except as otherwise provided in this charter or the administrative code. He or she shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to the availability of funds. The Erie county purchasing act, being chapter one hundred sixty seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty one. Amended by Local Law No. 5 1980.

That section 307 be amended to read as follows:

Section 3067. Administrative heads; term; interim appointment; appointment of other officers and employees. Except as otherwise provided in this charter, the county executive shall appoint, to serve during his or her pleasure or for such term as may be specified in this charter, the head of every department, division or other administrative unit not administered by another elective official. The appointment by the county executive of the head of each department, division or other administrative unit including the executive division, shall be subject to confirmation by the county legislature. The county executive may appoint one head for two or more departments, divisions or other administrative units, subject to all requirements as to qualifications and confirmation, or may himself so serve without such confirmation.

All appointments shall be in writing, signed by the county executive and filed in the office of the clerk of the county legislature within ten days after the date of appointment. No such appointee shall hold office beyond the term of the county executive by whom the appointment was made, except as otherwise specified in this charter or applicable law, and except that unless removed the appointee shall continue to serve until the successor is appointed and has qualified or until an interim appointment is made. All holdover appointments shall require reconfirmation by the legislature. In the event the legislature has neither reconfirmed nor rejected a holdover appointment within a period of thirty days after commencement of the term of the subsequently elected county executive, such appointment shall be deemed to be reconfirmed.

Upon confirmation by the county legislature and qualifying for the office, an appointee to the position of head of a department or other administrative unit shall enter upon the duties thereof. In the event the county legislature has neither confirmed nor rejected an appointment within a period of thirty days after the filing thereof with the clerk of the board, such appointment shall be deemed to be confirmed. Awaiting action by the county legislature the county executive may designate a qualified person to serve as such head for a period not to exceed thirty days in any calendar year.

Amended by Local Law No. 3-2006.

That section 308 be amended to read as follows:

Section 3078. Confirmation by county legislature. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of members of the county legislature taken at a regular or special meeting.

That section 309 be amended to read as follows:

Section 3089. Powers of deputy county executive. The deputy county executive shall act in the absence of the county executive and shall have all of the powers and duties of the county executive when so acting. The deputy county executive shall perform such duties and have such powers as shall be delegated by the county executive. Added by Local Law No. 1 1971

That section 310 be amended to read as follows:

Section 3910. Division of information and support services.

- a. There shall be in the office of the county executive a division of information and support services, headed by a director of information and support services who shall be appointed by and serve at the pleasure of the county executive. The director shall provide such information and support services as provided for in the administrative code and shall operate such other central facilities as may be established by the county executive within the appropriations provided there for. NEW section 310 Added by Local Law No. 3 1989.
Former section 310 **REPEALED** by Local Law No. 3 1989.
Amended by Local Law No. 5 1974.
Added by Local Law No. 13 1972.
- b. Within the division of information and support service there shall be an office of data processing, headed by the director of data processing who shall be appointed by and serve at the pleasure of the county executive. The director shall be a person meeting such qualifications as may be set out in this charter or in the administrative code at the time of his or her appointment. The director shall perform such data processing services as provided for in the administration code. Amended by Local Law No. 3 1989.
Added by Local Law No. 11 1974.
- c. Subject to the approval of the county legislature, the county executive may enter into a contract with the federal government, state government or any municipal corporation to provide data processing services to such governments or units of government.
Amended by Local Law No. 3 1989.

Amended by Local Law No. 11 1974.
Added by Local Law No. 13 1972.

[that article 10 be amended to read as follows]
[that section 22 be deleted in its entirety as follows]
[that new section 69 be inserted to read as follows]

That section 311 be amended to read as follows:

Section 310~~11~~.

**Introducer's Memorandum to
Recommendation Intro. No. 111**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove the division of budget should the office of budget and management be created.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 112
Recommendation No. _____**

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 311 be amended to read as follows:

Section 311. Veterans' service agency. There shall be in the office of the county executive a county veterans' service agency, headed by a director of veterans' services who shall be appointed by the county executive, subject to the confirmation of the County Legislature, and serve at the pleasure of the county executive. Except as otherwise provided in this charter, the director of the county veterans' service agency shall have all the powers and duties of a county director and a county service officer, as those terms are used in article 17 of the NYS executive law and section 800 of the NYS county law, in relation to veterans' affairs generally and, in conjunction with the division of military and naval affairs and other responsible state agencies, in providing information, support and assistance to members of the armed forces, including members of the reserve components thereof and members of the organized militia ordered into active duty, and veterans, who are residents of this state, and their families, with respect to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and veterans and their families, (4) employment and re-employment services, and (5) obtaining any benefits and awards to which they may be entitled under any federal, state or local legislation. the director shall perform such additional and related duties as may be proscribed by law, by the county executive or by resolution of the county legislature.

**Introducer's Memorandum to
Recommendation Intro. No.112**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to make the director of veterans' services subject to the confirmation of the County Legislature. This amendment was proposed by the Comptroller.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 113
Recommendation No. _____**

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 113 be amended to read as follows:

311. Veterans' service agency. There shall be in the office of the county executive a county veterans' service agency, headed by a director of veterans' services who shall be appointed by and serve at the pleasure of the county executive. Except as otherwise provided in this charter, the director of the county veterans' service agency shall have all the powers and duties of a county director and a county service officer, as those terms are used in article 17 of the NYS executive law and section 800 of the NYS county law, in relation to veterans' affairs generally and, in conjunction with the division of military and naval affairs and other responsible state agencies, in providing information, support and assistance to members of the armed forces, including members of the reserve components thereof and members of the organized militia ordered into active duty, and veterans, who are residents of this state, and their families, with respect to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and ~~war~~ veterans and their families, (4) employment and re-employment services, and (5) obtaining any benefits and awards to which they may be entitled under any federal, state or local legislation. ~~T~~**T**he director shall perform such additional and related duties as may be proscribed by law, ~~or~~ **or** by the county executive ~~or by resolution of the county legislature.~~

**Introducer's Memorandum to
Recommendation Intro. No.113**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to clarify that all veterans and that the director of veterans' services is responsible to the County Executive.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 114
Recommendation No. _____

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 4 be amended to read as follows:

Article 4 - Department of ~~Finance~~ Real Property Tax Services - Charter

**Introducer's Memorandum to
Recommendation Intro. No. 114**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove references to the Department of Finance, which does not exist, from Article 4.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 115
Recommendation No. _____

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 new article 4 be inserted to read as follows:

Article 4 - Office of Budget and Management - Charter

Section 401. **Office of budget and management; director.**

 402. **Powers and duties**

 403. **Budget Director Nomination**

 404. **County Departments and Cooperation**

Section 401. Office of budget and management; director. There shall be an office of budget and management headed by a director of budget and management. The director of budget and management shall be appointed by the county executive, in concert with the Chair of the Legislature, subject to confirmation by the county legislature. The director of budget and management will serve a term coterminous with the term of the county executive who appointed him or her. The director of budget and management may only be removed prior to the expiration of his or her term by (a) a majority vote of the Erie County Legislature on request of the county executive; or (b) a 2/3 vote of the Erie County Legislature. The director of budget and management shall be solely responsible for the administration of the office of budget and management, hiring its staff, and controlling its budget, subject to review of the county legislature. The division of budget and management in the office of the county executive and the position of director of budget and management in that division are hereby abolished.

All references contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

402. Powers and duties. The director of budget and management shall have the following powers, duties, and oversight responsibilities:

a) To assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller.

b) To report to the county executive and county legislature on the implementation of such audit recommendations and his or her actions pertaining to efficiency and productivity monitoring.

c) To determine the extent to which legislative policies are being faithfully, efficiently and effectively implemented by administrative officials and to publish reports of such findings.

d) To determine whether county programs are achieving their legal and desired objectives by a review of the performance and management efficiency of county departments and agencies. However, a review shall be coordinated with the County Comptroller when a review includes or requires accounting audits.

e) To determine and analyze the soundness of departmental budget estimates and requests for appropriations, revenues, borrowings and such other fiscal concerns throughout the year.

f) To determine and analyze annually the soundness, sustainability, and prudence of the proposed county budget or any midyear budget amendment, including, but not limited to, borrowings, taxes, personnel levels, and capital expenditures. In making such a determination, the director of budget and management shall consider whether the budget furthers the goal of efficient, sustainable, and stable county spending, including, but not limited to, whether the spending or savings of reserve funds are being made in a countercyclical manner; whether the rate of capital investment is adequate to ensure that the cost to maintain county infrastructure is at the lowest net present value using a discount rate between 4-10%; and whether changes in the size or scope of the county budget

can be maintained over the course of a business cycle. If the director of budget and management finds the county budget deficient in meeting these standards the director of budget and management shall offer amendments to the county budget. Notwithstanding any provisions in this charter to the contrary, the county legislature may adopt such amendments proposed by the director of budget and management by a majority vote.

g) To determine whether the county has adequate plans, facilities, organizational arrangements, and management control systems to adequately and effectively accomplish departmental and legislative policies.

h) To produce a formal cost estimate of every local law that is approved by a committee of the County Legislature and to produce a formal cost estimate of any local law introduced by a county legislator upon the introducer's request. No local law shall be approved by the County Legislature until seventy-two hours after the County Legislature has received a formal cost estimate for such local law.

i) To recommend, in concert with the County Comptroller, an appropriate level of unassigned fund balance in the General Fund, provided that the recommended level shall not be less than five percent of the amount contained in the adopted budget of the General Fund of the County's last audited financial statements; and further provided that any change in the recommended appropriate fund balance shall be limited to one percent of the amount contained in the adopted budget of the General Fund of the County's last audited financial statements during the course of one calendar year. For purposes of this section, the total General Fund calculation shall not include sales and compensating use tax revenues shared with local governments and school districts. The county may only approve an unassigned fund balance in the General Fund below the level recommended by the director of budget and management upon a majority vote of the county legislature. A budget that is approved without a vote of the county legislature shall not appropriate any fund balance revenue that would bring the fund balance in the General Fund below the amount recommended by the director of budget and management. The county executive's tentative budget shall indicate equivalent deletions in the tentative budget that shall be executed if the use of fund balance revenue is not approved by the county legislature.

j) Such other duties and responsibilities as the County Legislature may assign.

403. Budget Director nomination. Before the Director of Budget and Management is appointed, pursuant to the provisions in this Article, the County Executive, in concert with the Chair of the Legislature, shall set the qualifications for such office

and shall publish a notice that a vacancy exists in such office and shall interview potential candidates for appointment to such office.

No one may be interviewed for the position of Director of Budget and Management until an advertisement has been placed in a newspaper designated as the official newspaper of the county and a notice of vacancy has been prominently displayed on the county's webpage for at least five days.

404. County departments and cooperation. County offices, departments, agencies, boards, commissions, and other entities are required to provide timely access to the director and staff of the office of budget and management and also to county legislators and the staff of the county legislature of their personnel and records and to assist in the collection and analysis of factual objective data. Such access shall be construed to include direct access to the county's mainframe and departmental computer systems insofar as the information sought is not otherwise precluded by federal, state, or local laws or a collective bargaining agreement between the county and any of its employees.

**Introducer's Memorandum to
Recommendation Intro. No. 115**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is create an independent budget office that is responsive and accountable to both the legislature and the County Executive and is insulated from political pressures. This is done by protecting the budget director from at will termination by the County Executive, without the consent of the legislature. This will prevent a County Executive from pressuring a budget director to produce overly optimistic estimates. In addition, the newly independent budget director will be more likely to sound the alarm over poor spending habits than would one who could be fired at the whim of the County Executive. Section 402 assigns specific duties and powers to this budget director. This includes making the budget director responsible for assessing whether adequate capital spending is being made and whether the County fund balance should be higher than five percent. In addition, like the congressional budget office, this budget office is tasked with estimating the costs of local laws, so that legislators know the impact that their votes will have on county budgets going forward. Section 403 ensures that a real interview process is used to hire the budget director. Section 404 ensures that the budget director and County Legislature have adequate access to county data to accurately understand and assess the County Budget.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 116
Recommendation No. _____

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 4 be deleted in its entirety as follows:

~~**Article 4 – Department of Finance – Charter**~~

~~**Section 401. Department of real property tax services; director.** There shall be a department of real property tax services headed by a director, who shall be appointed by the County Executive subject to confirmation by the county legislature.~~

~~Amended by Local Law No. 3-2006.~~

~~Amended by Local Law No. 2-1975.~~

~~**Section 402. Powers and duties.** Except as otherwise provided in this charter, the director of real property tax services shall:~~

- ~~a. Perform all duties in relation to the administration and collection of taxes heretofore performed by a county treasurer or commissioner of finance.~~
- ~~b. Perform all duties in relation to the extension of taxes and the issuing of tax bills heretofore performed by the clerk of the county legislature.~~
- ~~c. Keep a record of the transfer of title to real property and immediately notify the town clerk or the city board of assessors of all such transfers in each town or city, as the case may be.~~
- ~~d. Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.~~
- ~~e. Submit annually to the county executive proposed county tax equalization rates consistent with standards prescribed by the legislature.~~
- ~~f. Submit to the county legislature and county executive reports and interpretations thereof as requested on a timely basis.~~
- ~~g. Perform all duties now or hereafter required by law to be performed by the county director of real property tax services.~~

~~Amended by Local Law No. 3 2006.~~

~~Amended by Local Law No. 8 1988.~~

~~Amended by Local Law No. 4 1985.~~

~~Article 4 was formerly numbered Article IV.~~

**Introducer's Memorandum to
Recommendation Intro. No.116**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to delete the Department of Real Property Tax Services if the Department is moved into the Comptroller's office in the form of a division.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 117
Recommendation No. _____

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 503 be amended to read as follows:

Section 503. Board of health. There shall be in the department a board of health, the members of which shall be appointed by the county executive. The composition of such board in regard to the number of members and professional, governmental or other representation, and the terms of such members, shall be as provided in the public health law for a county board of health. The board of health shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the preservation and improvement of the public health and on matters relating to services and facilities of the county laboratory. **The board may on its own initiative make recommendations and suggestions to the County Executive relative to the qualifications and appointments of the Commissioner of Health and relative to the qualifications and duties of the deputy commissioners, officers or employees of the department of health.**

Amended by Local Law No. 8 1989.

**Introducer's Memorandum to
Recommendation Intro. No. 117**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to update the responsibilities of the board of health to account for actions the currently take.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 118
Recommendation No. _____

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 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.

**Introducer's Memorandum to
Recommendation Intro. No.118**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to make the County Attorney more independent and accountable to the entire county government. This is done by providing protections from termination unless there is a consensus that the County Attorney needs to be replaced.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 119
Recommendation No. _____

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 803 be amended as follows:

Section 803. County parks and other recreation facilities. The county legislature is hereby authorized on behalf of the county to accept by gift and to acquire by purchase, condemnation, lease or otherwise, real property for the purposes set forth in section ~~seven~~ eight hundred two hereof. The county legislature may abandon such purposes by local law and may dispose of such property.

**Introducer's Memorandum to
Recommendation Intro. No. 119**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to correct an erroneous reference and instead reference the correct section.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 120
Recommendation No. _____**

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 new section 903 be inserted to read as follows:

Article 9 - Department of Personnel - Charter

Section 901. Department of personnel; commissioner.

 902. Powers and duties.

903. Absence due to military service

Section 901. Department of personnel; commissioner. There shall be a department of personnel headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county legislature.

Section 902. Powers and duties. The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county civil service commissioner as provided by the civil service law, and, he or she shall be subject to supervision and control by the state civil service commission as are county civil service commissions. Provided, however, that the state civil service commission shall have exclusive jurisdiction to prepare and rate examinations and establish eligibility lists for all positions under the jurisdiction of the county personnel commissioner. The commissioner shall perform such additional and related duties as the county executive may prescribe.

Section 903. Absence due to military service. The commissioner of personnel shall ensure that current employees of the County of Erie, who shall be called to mandated active military service, continue to receive their full wages, as budgeted, as if that employee was not called to active military service.

Article 9 was formerly numbered Article VII

**Introducer's Memorandum to
Recommendation Intro. No. 120**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is provide that current employees of the County of Erie, called active military service, continue to receive their full wages.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 121
Recommendation No. _____**

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 1001 be amended as follows:

Section 1001. Department of environment and planning; commissioner; qualifications. There shall be a department of environment and planning headed by a commissioner. He or she shall be appointed by the county executive, subject to confirmation by the county legislature. He or she shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental ~~control~~ resource programs or regional, county or municipal planning.

**Introducer's Memorandum to
Recommendation Intro. No. 121**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is bring this section into accordance with the current statutory language.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 122
Recommendation No. _____

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 12 be amended to read as follows:

Article 12 - Department of Social Services ~~Welfare~~ - Charter

Section 1201. Department of social services ~~welfare~~; commissioner; county welfare act repealed.

1202. Powers and duties of the commissioner.

- ~~1203. Welfare advisory board.~~

12034. Division of Youth Services.

12045. Youth Bureau Board.

12056. Executive Director of Youth Bureau.

Section 1201. Department of social welfare; commissioner; county welfare act repealed. There shall be a department of social welfare headed by a commissioner who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county social welfare act, being chapter twenty eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1202. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of social services welfare shall:

1. ~~H~~have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law, and;
2. ~~REPEALED by Local Law No. 9-1989.~~
3. ~~Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.~~
4. ~~Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency telephone service shall be available on a twenty four hour basis for medical, psychiatric and non medical crises.~~
5. ~~P~~perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 6 1975.

~~**Section 1203. Welfare advisory board.** There shall be in the department a welfare advisory board of seven members appointed by the county executive for five year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department or involving social welfare.~~

Section 12034. Division of Youth Services. There shall be within the department of social services welfare a division of youth services, headed by a deputy commissioner. In addition to all other duties prescribed by local law, ordinance or resolution of the Legislature or by the commissioner of social services welfare, the deputy commissioner of the division of youth services shall have charge of youth detention services and the youth bureau.

~~**Section 1204 added by Local Law No. 3-2006.**~~

Section 12045. Youth Bureau Board. There shall be established a youth bureau board to the division of youth services of the department of social services welfare.

~~**Section 1205 added by Local Law No. 3-2009.**~~

Section 12056. Executive Director of Youth Bureau. There shall be an executive director of the youth bureau within the division of youth services of the department of

social services **welfare**. The executive director shall be appointed by the county executive ~~subject to confirmation by the county legislature~~.

Section 1206 added by Local Law No. 3-2009

Article 12 was formerly numbered Article XI.

**Introducer's Memorandum to
Recommendation Intro. No. 122**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to rename the Department of Social Welfare to the Department of Social Services; removes the legislature's confirmation of the appointment of the executive director.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 123
Recommendation No. _____**

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 13 be amended to read as follows:

Article 13 - Department of Mental Health - Charter

- | | | |
|---------|-------|--|
| Section | 1301. | Department of mental health; commissioner. |
| | 1302. | Powers and duties. |
| | 1303. | Advisory board. |

Section 1301. Department of mental health; commissioner. There shall be a department of mental health, the head of which shall be the commissioner of mental health. He or she shall be appointed by the county executive subject to confirmation by the county legislature. The commissioner shall meet those qualifications fixed by the state ~~office department~~ of mental ~~health hygiene~~ and in existence at the time of his or her appointment.

Amended by Local Law No. 2 1988.

Section 1302. Powers and duties. Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. Within appropriations made available there for, the commissioner shall perform all duties with respect to child mental health services. The commissioner or his or her designee shall serve as the director of community services prescribed by Mental Hygiene Law §4109. He or she shall perform such additional and related duties as the

county executive may prescribe.
Amended by Local Law No. 2 1989.

Section 1303. Advisory board. The county executive shall appoint a mental health advisory board which shall, at the request of the commissioner, and may on its own initiative, advise on matters relating to an adequate program of mental health services in the county. The composition of such board in regard to the number of members and the professional, governmental or other representation, and the terms of such members, shall be as provided in the mental hygiene law for the community mental health board.

Amended by Local Law No. 4 1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Article 13 was formerly numbered Article XI-B.

**Introducer's Memorandum to
Recommendation Intro. No. 123**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to conform language to current statute.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 124
Recommendation No. _____**

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 14 be amended to read as follows:

Article 14 - Department of Emergency Services - Charter

Section 1401. Department established; commissioner of homeland security and emergency services.

1402. Powers and duties.

1403. Advisory boards.

Section 1401. Department established; commissioner of homeland security and emergency services. There shall be a department of homeland security and emergency services, the head of which shall be the commissioner of homeland security and emergency services. He or she shall be appointed by the county executive subject to confirmation by the county legislature to serve at the pleasure of the county executive.

Section 1402. Powers and duties. The commissioner of homeland security and emergency services shall:

1. Have all the powers and perform all the duties conferred or imposed upon county directors of emergency medical services by the laws of the state of New York.
2. Plan, develop and coordinate, to the extent authorized by law or agreement, the implementation of protocols and procedures for, and the provision of, emergency medical services within the county of Erie, including, but not limited to: training and certification of persons as emergency medical technicians at one or more

- levels of service; communications services, including medical telemetry and control, between hospitals and ambulances by medical emergency radio system; ambulance dispatching, inspection and certification.
3. Have all the powers and shall perform all of the duties conferred or imposed upon county fire coordinators by the laws of the state of New York.
 4. Have all the powers and execute the duties of the county executive in his or her capacity as the county's local director of civil defense under the New York state defense emergency act, being chapter eighty four of the laws of nineteen hundred and fifty one, as amended.
 5. Develop, make public and regularly amend a county disaster preparedness plan, in accordance with article two B of the executive law, for the coordination of emergency services in the event of natural or other disaster or emergency.
 6. Coordinate the provision of homeland security, disaster, and emergency assistance by local disaster preparedness and civil defense forces in the event of a declaration by the county executive of a state of emergency or disaster within the county or in the case such assistance is requested by the chief executive of any city, town or village within the county.
 7. Originate, coordinate, and promote programs with respect to fire safety, emergency medical services, homeland security and disaster preparedness within the county of Erie.
 8. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.
 9. **Plan for emergency communications and maintain a tactical interoperable communication plan to meet federal guidelines.**

**Introducer's Memorandum to
Recommendation Intro. No. 124**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to include homeland security under the purview of emergency services.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 128
Recommendation No. _____

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 1503 be amended to read as follows:

Section 1503. Board of trustees. The county executive shall appoint a central police services board of trustees of seven members which shall set the policy for the department and advise on matters relating to programs of professional and technical services to police agencies in the county. Should the office of commissioner become vacant, the central police services board of trustees shall submit a list of three qualified candidates, to the county executive. Such board shall be composed of the commissioner of police of the city of Buffalo or the designee thereof; ~~the inspector, division of administration and communications, Buffalo police department;~~ the Erie county sheriff or the designee thereof; a member designee of the Erie county chiefs of police association; a designee of the county executive; a member of the Erie county legislature designated by the chairman of the legislature; a member of the Erie county legislature designated by the minority leader of the legislature; and a designee of the association of Erie county governments, who is an elected official. Such board shall be responsible to the county executive.

**Introducer's Memorandum to
Recommendation Intro. No.128**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to add a legislature minority appointment to the Central Police Services board of trustees.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 129
Recommendation No. _____

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 16 be amended to read as follows:

Article 16 - Department of Senior Services - Charter

- | | | |
|---------|-------|--|
| Section | 1601. | Department of senior services; commissioner. |
| | 1602. | Powers and duties. |
| | 1603. | Advisory board. |

Section 1601. Department of senior services; commissioner. There shall be a department of senior services, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. ~~There shall be no deputy commissioner nor shall any position be created, by whatever title, providing for duties and emoluments which would be appurtenant in fact to the office of a deputy commissioner of the department.~~

**Introducer's Memorandum to
Recommendation Intro. No.129**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to allow the position of deputy commissioner to be appointed.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 131
Recommendation No. _____**

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 1802 be amended to read as follows:

Section 1802. Powers and duties. The comptroller shall:

- a. Be the chief fiscal, accounting, reporting and auditing officer of the county, and oversee the fiscal affairs of the county including the sale of all bonds and notes and the investment of proceeds thereof and the investment of agency and trust funds, as well as general and operating fund revenues.
- b. Maintain the official accounting records for all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, expenditures, appropriations, revenues and estimated revenues and prescribe approved methods of accounting for county officers and administrative units in accordance with standards and policies prescribed by the New York state comptroller and the governmental accounting standards board.
- c. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible, and certify as to the availability of funds therefor.
- d. Audit and certify for payment all lawful claims, or charges against the county or against funds for which the county is responsible.
- e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the county is responsible in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States, and submit such audit reports to the legislature.
- f. Procure statements from all depositories of county funds and funds for which the county is responsible, and reconcile such statements with county accountants.
- g. Conduct management and performance audits of county administrative units and county funded programs in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the

- comptroller general of the United States and submit such audit reports to the legislature.
- h. Provide such other accounting reports and interpretation thereof to the county executive and legislature as requested on a timely basis.
 - i. Submit to the county legislature and county executive and the independent auditor hired by the county pursuant to charter section nineteen hundred two, monthly accounting reports of appropriations, encumbrances, expenditures and revenues on an accrual basis from the county's computerized accounting system, monthly statements from all depositories of county funds and funds for which the county is responsible, quarterly financial statements for the first three quarters of each fiscal year and annually a comprehensive financial statement containing a balance sheet and statement of revenues, expenditures and changes in fund balances.
 - j. Provide all records and reports requested or required by New York state, the independent auditor for the annual audit of the county's financial statements, and other independent auditors under contract with the county of Erie.
 - k. With the assistance of the county attorney or his or her designee, prepare bond resolutions for approval by the county legislature and secure funds from the bond market for approved capital projects. Notification of plans to secure both funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, ~~finance commissioner~~, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing interest rate, and repayment schedule. In addition, once the Erie county legislature and county executive approve the bond resolution, the comptroller must, as requested, seek financing of said bond resolution. Furthermore, after the required approvals by the Erie county legislature and the county executive, funds approved for capital projects must be released by the comptroller.
 - l. Prepare annual cash flow statements, monitor cash flow, and when necessary, secure short term funds. Notification of plans to secure short term funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, ~~finance commissioner~~, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing, interest rate, and repayment schedule.
 - m. Issue and certify any official statement necessary for the county to issue bonds or notes, provided such statement must have been approved as to content by the county executive and as to form by the county attorney or his or her designee.
 - n. Provide the director of budget and management, ~~the finance commissioner~~, and the county executive with complete debt service information for the annual budget, information on the monthly cash flow statements, and other reports as required, in accordance with time guidelines established by the budget director.

- o. On or before the 15th of October, review all revenue projections to be used in the proposed tentative budget prepared by the county executive and submit to the legislature in writing a report indicating whether or not the projections are suitable estimates for the ensuing year. Should the comptroller determine that the revenue projections are not suitable for the ensuing fiscal year, the legislature, upon notice from the comptroller may revise such projections downward upon a two-thirds majority vote. The legislature shall not revise such revenue projections upward.
- p. Be responsible for the collection and recovery of accounts receivable due the county provided , however, that the hiring of legal counsel to collect and recover accounts receivable shall be subject to the provisions set forth in Section 6.02 of the administrative code.
- q. Perform such additional and related duties as may be prescribed by local law.
- r. As a part of the budget process, provide the county executive with an annual plan of investment and interest earnings.
- s. Have custody of all accounts.
- t. Be responsible for the provision of all accounting services to all county departments, offices and units as part of a centralized accounting system.

**Introducer's Memorandum to
Recommendation Intro. No.131**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove references to the nonexistent finance commissioner.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 132
Recommendation No. _____**

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 1802 be amended to read as follows:

Section 1802. Powers and duties. The comptroller shall:

- a. Be the chief fiscal, accounting, reporting and auditing officer of the county, and oversee the fiscal affairs of the county including the sale of all bonds and notes and the investment of proceeds thereof and the investment of agency and trust funds, as well as general and operating fund revenues.
- b. Maintain the official accounting records for all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, expenditures, appropriations, revenues and estimated revenues and prescribe approved methods of accounting for county officers and administrative units in accordance with standards and policies prescribed by the New York state comptroller and the governmental accounting standards board.
- c. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible, and certify as to the availability of funds therefor.
- d. Audit and certify for payment all lawful claims, or charges against the county or against funds for which the county is responsible.
- e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the county is responsible in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States, and submit such audit reports to the legislature.
- f. Procure statements from all depositories of county funds and funds for which the county is responsible, and reconcile such statements with county accountants.
- g. Conduct management and performance audits of county administrative units and county funded programs in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the

- comptroller general of the United States and submit such audit reports to the legislature.
- h. Provide such other accounting reports and interpretation thereof to the county executive and legislature as requested on a timely basis.
 - i. Submit to the county legislature and county executive and the independent auditor hired by the county pursuant to charter section nineteen hundred two, monthly accounting reports of appropriations, encumbrances, expenditures and revenues on an accrual basis from the county's computerized accounting system, monthly statements from all depositories of county funds and funds for which the county is responsible, quarterly financial statements for the first three quarters of each fiscal year and annually a comprehensive financial statement containing a balance sheet and statement of revenues, expenditures and changes in fund balances.
 - j. Provide all records and reports requested or required by New York state, the independent auditor for the annual audit of the county's financial statements, and other independent auditors under contract with the county of Erie.
 - k. With the assistance of the county attorney or his or her designee, prepare bond resolutions for approval by the county legislature and secure funds from the bond market for approved capital projects. Notification of plans to secure both funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing interest rate, and repayment schedule. In addition, once the Erie county legislature and county executive approve the bond resolution, the comptroller must, as requested, seek financing of said bond resolution. Furthermore, after the required approvals by the Erie county legislature and the county executive, funds approved for capital projects must be released by the comptroller.
 - l. Prepare annual cash flow statements, monitor cash flow, and when necessary, secure short term funds. Notification of plans to secure short term funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing, interest rate, and repayment schedule.
 - m. Issue and certify any official statement necessary for the county to issue bonds or notes, provided such statement must have been approved as to content by the county executive and as to form by the county attorney or his or her designee.
 - n. Provide the director of budget and management, the finance commissioner, and the county executive with complete debt service information for the annual budget, information on the monthly cash flow statements, and other reports as required, in accordance with time guidelines established by the budget director.

- o. On or before the 15th of October, review all revenue projections to be used in the proposed tentative budget prepared by the county executive and submit to the legislature in writing a report indicating whether or not the projections are suitable estimates for the ensuing year. Should the comptroller determine that the revenue projections are not suitable for the ensuing fiscal year, the legislature, upon notice from the comptroller may revise such projections downward upon a two-thirds majority vote. The legislature shall not revise such revenue projections upward.
- p. Be responsible for the collection and recovery of accounts receivable due the county provided , however, that the hiring of legal counsel to collect and recover accounts receivable shall be subject to the provisions set forth in Section 6.02 of the administrative code.
- q. Perform such additional and related duties as may be prescribed by local law.
- r. As a part of the budget process, provide the county executive with an annual plan of investment and interest earnings.
- s. Have custody of all accounts.
- t. Be responsible for the provision of all accounting services to all county departments, offices and units as part of a centralized accounting system.
- u. **Annually designate one or more depositories located within the county for the deposit of all moneys received by the director of real property tax services.**

**Introducer's Memorandum to
Recommendation Intro. No.132**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to grant the Comptroller the power to designate depositories for all moneys received by the director of real property tax services.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 133
Recommendation No. _____

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 new section 1803 be inserted to read as follows:

Section 1803. Division of real property tax services; director. There shall be a division of real property tax services in the office of the Comptroller headed by a director, who shall be appointed by the Comptroller subject to confirmation by the county legislature.

1. Powers and duties. Except as otherwise provided in this charter, the director of real property tax services shall:

- a. Perform all duties in relation to the administration and collection of taxes heretofore performed by a county treasurer or commissioner of finance.
- b. Perform all duties in relation to the extension of taxes and the issuing of tax bills heretofore performed by the clerk of the county legislature.
- c. Keep a record of the transfer of title to real property and immediately notify the town clerk or the city board of assessors of all such transfers in each town or city, as the case may be.
- d. Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.
- e. Submit annually to the county executive and county comptroller proposed county tax equalization rates consistent with standards prescribed by the legislature.
- f. Submit to the county legislature, county comptroller, and county executive reports and interpretations thereof as requested on a timely basis.
- g. Perform all duties now or hereafter required by law to be performed by the county director of real property tax services.

**Introducer's Memorandum to
Recommendation Intro. No. 133**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to move Real Property Tax Services into the Office of the Comptroller. Real Property Tax Services receives monies and calculates equalization rates, it does not make policy decisions, therefore it is more appropriate in the Comptroller's Office.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No.134
Recommendation No._____**

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 <u>Jail management division.</u> |
| | 2105. | Appointment of superintendent <u>Police services division.</u> |
| | <u>2106.</u> | <u>Correctional health division.</u> |

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 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.

**Introducer's Memorandum to
Recommendation Intro. No. 134**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to more accurately describe the organization and responsibilities of the Sheriff's Office.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 135
Recommendation No. _____**

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 10 be amended to read as follows:

Section	2201.	Board of elections.
	2202.	Traffic safety advisory board.
	2203.	Department of Probation.
	2204.	Other boards; how appointed.
	2205.	Advisory boards.
	2206.	Additional appointments by county executive.
	2207.	Miscellaneous administrative functions.
	2208.	Erie and Niagara counties regional planning board.
	<u>2209.</u>	<u>Poverty Advisory Board</u>

**Introducer's Memorandum to
Recommendation Intro. No.135**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to update the titles of Article 22 to reflect changes in other amendments.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No.136
Recommendation No._____**

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 2204 be amended to read as follows:

Section 2204. Other boards; how appointed. The ~~alcoholic beverage control board,~~ **the** board of trustees of the Buffalo and Erie county public library, and the board of trustees of the S.U.N.Y. at Erie Community College, ~~the fire advisory board and the vocational education and extension board~~ shall continue as provided by law except that the power of appointment residing in the county legislature or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised on and after January first, nineteen hundred and sixty one, by the county executive, subject to confirmation by the county legislature. The appointment of any head, board or agency in relation to a county sewer, water, drainage or small water shed protection district or to any other county district of a similar nature shall be by the county executive and shall be subject to confirmation by the county legislature. Except as otherwise provided in this charter or the administrative code, other appointments to boards and like units shall be made in the manner provided by applicable law.

Amended by Local Law No. 3-2006.

**Introducer's Memorandum to
Recommendation Intro. No. 136**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove references to defunct boards.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 137
Recommendation No. _____

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 2206 be amended to read as follows:

Section 2206. Additional appointments by county executive. The **county historian, the veterans' service officer and the** head of any other county administrative unit, except as otherwise provided in this charter, shall be appointed by the county executive, subject to confirmation by the county legislature. All such appointees shall serve at the pleasure of the county executive.

**Introducer's Memorandum to
Recommendation Intro. No. 137**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to allow the County Executive to appoint county historian and the veterans' service officer without legislative approval.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 138
Recommendation No. _____

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 2208 be deleted in its entirety as follows:

~~**Section 2208. Erie and Niagara counties regional planning board.** The county executive shall, subject to confirmation by the county legislature, appoint all Erie county members of the Erie and Niagara counties regional planning board, not withstanding any inconsistent provisions of any general or specific law. "There shall be no ex officio members of such board." Added by Local Law No. 1 1974.~~

**Introducer's Memorandum to
Recommendation Intro. No. 138**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove references to the defunct Erie and Niagara counties regional planning board.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 139
Recommendation No. _____

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 new section 2209 be inserted to read as follows:

Section 2209. Poverty Advisory Board. There shall be a poverty advisory board of seven members appointed by the county executive for five year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The poverty advisory board shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The poverty advisory board shall advise county departments on matters relating to social welfare.

**Introducer's Memorandum to
Recommendation Intro. No.139**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is create a poverty advisory board to advise all county departments on matters relating to social welfare.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.140
Recommendation No._____

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.~~

**Introducer's Memorandum to
Recommendation Intro. No.140**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to delete Article 22 should an Environmental Management Council be established in Article 10.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 141
Recommendation No. _____

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 new section 22-B-03 be inserted to read as follows:

Section 22-B-03. Raises for Elected Officials. Neither the Legislature or the county executive shall approve an increase in salary for any elected official during a period of time during which any of its collective bargaining units are not under a current, ratified negotiated contract.

**Introducer's Memorandum to
Recommendation Intro. No. 141**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is ensure that no elected official receive a raise when there is a collective bargaining unit not under a current, ratified negotiated contract.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 142
Recommendation No. _____**

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 2506 be amended to read as follows:

On or before the 1st day of October the county executive shall submit to the comptroller all revenue estimates and expenditure estimates for Medicaid, public assistance, and pension contributions and health care insurance costs for county employees to be used in the proposed budget. **If not otherwise available, property tax revenue estimates shall include a maximum and minimum levy amount, which shall be used in preparing the budget.** The comptroller shall review all revenue estimates and expenditure estimates for Medicaid, public assistance and pension contributions and health care insurance costs for county employees to be used in the proposed tentative budget prepared by the county executive and submit to the legislature in writing by the 15th of October a report indicating whether or not such estimates are suitable estimates for the upcoming fiscal year. Should the comptroller determine that any such revenue or expenditure estimate is not suitable for the upcoming fiscal year, the Legislature, upon notice from the comptroller may revise any such revenue estimate downward upon a two-thirds majority vote and may revise any such expenditure estimate upward by a majority vote. The legislature shall not revise any such revenue estimate upward.

**Introducer's Memorandum to
Recommendation Intro. No.142**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to ensure that the Comptroller has property tax estimates from which to base his evaluation of the county budget on

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 143
Recommendation No. _____

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Sponsored by Commission Member _____

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 2507 be amended to read as follows:

- b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county, except for the departments overseen by the independently elected officials (clerk, comptroller, district attorney and sheriff) who shall have the power to manage their departments within the parameters of the adopted budget. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county, except for the independently elected officials (clerk, comptroller, district attorney and sheriff), shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed. **Actions taken by independently elected officials (clerk, comptroller, district attorney and sheriff) within the parameters of the adopted budget shall be approved by the county executive and any other necessary department or office within seven days.** The county executive may request that the legislature impose quotas, allotments or other cost control measures on the independently elected officials (clerk, comptroller, district attorney and sheriff) if the need arises. The legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote.

**Introducer's Memorandum to
Recommendation Intro. No. 143**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is confirm that independent elected officials have authority to fill positions that have been properly budgeted for.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No.144
Recommendation No._____**

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Sponsored by Commission Member _____

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 2507 be amended to read as follows:

- b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county, except for the departments overseen by the independently elected officials (clerk, comptroller, district attorney and sheriff) who shall have the power to manage their departments within the parameters of the adopted budget. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county, except for the independently elected officials (clerk, comptroller, district attorney and sheriff), shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed. The county executive may request that the legislature impose quotas, allotments or other cost control measures on the independently elected officials (clerk, comptroller, district attorney and sheriff) if the need arises. The legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote. **The comptroller may request that the Legislature impose quotas, allotments or other cost control measures on the county executive if the need arises. The Legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote.**

**Introducer's Memorandum to
Recommendation Intro. No. 144**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to provide for budget control measures to be imposed on the County Executive. Budget control measures can already be imposed on all other elected officials.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 145
Recommendation No. _____

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 2518 be deleted in its entirety as follows:

~~Section 2518(a). The Citizens' Budget Review Commission.
The citizens' budget review Commission shall be established to assist and advise the Erie county legislature in the oversight of the county's budget and to monitor county finances, ensure the long-term fiscal stability of Erie county, prevent the concealment of county deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems. Upon the adoption of this Local Law the Erie County Legislature hereby creates a Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.~~

~~Amended by Local Law No. 2-2012.~~

~~Section 2518 (b). Commission Purview and Reporting.
The citizens' budget review commission shall study the fiscal operations of the county of Erie in their full scope. The Commission shall provide regular reports to the Legislature at the conclusion of each fiscal quarter, and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the county Legislature. The Commission shall file its annual report with the Erie county Legislature annually on or before October 15.~~

~~Amended by Local Law No. 2-2012.~~

~~Section 2518 (c). Membership; Terms; Vacancies.
The citizens' budget review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie county. Except for the Commission member appointed by the county executive, the Legislature shall appoint, or confirm the recommendation for appointment, of the various Commission members as listed below:~~

- ~~a. One (1) member shall be recommended and appointed by the Erie county executive.~~
- ~~b. One (1) member shall be recommended annually by the chair of the Erie county Legislature and confirmed by the Legislature.~~
- ~~c. One (1) member shall be recommended annually by the majority leader on behalf of the majority members of the Erie county Legislature and confirmed by the Legislature.~~
- ~~d. One (1) member shall be recommended annually by the minority leader on behalf of the minority members of the Erie county Legislature and confirmed by the Legislature.~~
- ~~e. One (1) member shall be appointed who has professional experience as a certified public accountant.~~
- ~~f. One (1) member shall be appointed who has professional experience in the banking and finance industry.~~
- ~~g. One (1) member shall be appointed who is an attorney at law, particularly with experience in local government law and/or finance.~~
- ~~h. One (1) member shall be appointed who has professional experience with organized labor.~~
- ~~i. One (1) member shall be appointed from the Erie County business community.~~
- ~~j. Two (2) members shall be appointed by the Erie county Legislature based upon recommendations from the public and shall be construed to represent a cross section of the county's diverse population and have a depth of appropriate experience and expertise.~~
- ~~k. The comptroller of the county of Erie or his or her representative shall be an ex-officio, non-voting member of the Commission.~~
- ~~l. The director of budget and management or his or her representative shall be an ex-officio, non-voting member of the Commission.~~
- ~~m. The Erie county attorney or his or her representative shall be an ex-officio, nonvoting member of the Commission. With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the county, nor be a member of another county board or commission during the term of his/her appointment to the citizens' budget review Commission of Erie county.~~

~~The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.~~

~~Members shall serve without compensation. Staff support shall be provided by the staff of the Erie county Legislature under the direction of the clerk of the Erie county Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or~~

~~organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.~~

~~Amended by Local Law No. 2-2012.~~

~~Section 2518(d). Officers.~~

~~The Commission shall elect, from its membership (excluding ex-officio members), its own chair for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice chair, who shall serve as chairperson in the chairperson's absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.~~

~~Amended by Local Law No. 2-2012.~~

~~Section 2518 (e). Meetings.~~

~~The Commission shall hold quarterly public meetings to review the county's finances, including year-to-date and year-end projections for the county budget. In addition to these quarterly public meetings, the citizens' budget review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the Erie county Legislature. All meetings of the Commission shall be subject to the open meetings law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be held on such days and at such hours so as to encourage the maximum amount of public awareness and shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked in to the Erie county Legislature and are to be made available to the public for inspection during regular business hours.~~

~~Amended by Local Law No. 2-2012.~~

~~Section 2518 (f). Powers of the Commission and Information Available to Commission.~~

~~The Commission shall have the power to make such studies and investigations into the county's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical information, including monthly budget reports, relating to the county's budget and finances from the comptroller of the county, the county executive, and his or her appointed director of budget and management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the county's finances. In addition to any other information requested by the Commission, the Director of Budget and Management shall submit~~

~~to the Commission monthly budget reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.~~

~~Amended by Local Law No. 2-2012.~~

~~Section 2518 (g). Failure to Provide Timely Information.~~

~~Should the county executive, his or her appointed director of budget and management, or anyone fail to provide information including but not limited to the budget reports requested in subsection(f) above, the chair of the Commission shall notify the clerk of the Erie county Legislature and the chair of the Erie county Legislature, in writing, and the Chair of the Legislature shall compel that such information be provided to the Commission by exercising the powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No.1-1959, as amended, constituting the Erie County Charter.~~

~~Added by Local Law No. 2-2005.~~

~~Amended by Local Law No. 3-2006.~~

~~Amended by Local Law No. 2-2012.~~

**Introducer's Memorandum to
Recommendation Intro. No. 145**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to delete the citizen budget review commission, which has not functioned, and has rarely even met with a quorum.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 146
Recommendation No. _____**

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 a new Section 2518 title be inserted to read as follows:

Article 25 - Financial Procedures - Charter

- Section 2501. Fiscal year.
- 2502 Preparation of proposed tentative operation and maintenance budget.
2503. Tentative budget and capital program by county executive.
- 2504 Preparation of proposed tentative capital budget program.
- 2505 Fund balance.
2506. Revenue and certain expense projections reviewed.
- 2507 Budget controls.
2508. Adoption of budget.
2509. Levy of taxes.

- 2510. Appropriations; supplemental and emergency.
- 2511. Appropriations; reductions and transfers after budget adoption.
- 2512. Certain resolutions of county Legislature subject to county executive veto.
- 2513. Certain obligations and payments prohibited.
- 2514. Erie county budget act repealed.
- 2515. Limitation on county real estate taxes.
- 2516. Imposition and increases in other county taxes and fees.
- 2517. Audit committee.
- 2518. **Addition of jobs while labor contract has expired.**

**Introducer's Memorandum to
Recommendation Intro. No.146**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is conform the titles with the proposed amendments by the Comptroller should such amendment pass.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No.147
Recommendation No._____**

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 2518 be deleted in its entirety as follows:

Article 25 - Financial Procedures - Charter

- Section 2501. Fiscal year.
- 2502 Preparation of proposed tentative operation and maintenance budget.
2503. Tentative budget and capital program by county executive.
- 2504 Preparation of proposed tentative capital budget program.
- 2505 Fund balance.
2506. Revenue and certain expense projections reviewed.
- 2507 Budget controls.
2508. Adoption of budget.
2509. Levy of taxes.

- 2510. Appropriations; supplemental and emergency.
- 2511. Appropriations; reductions and transfers after budget adoption.
- 2512. Certain resolutions of county Legislature subject to county executive veto.
- 2513. Certain obligations and payments prohibited.
- 2514. Erie county budget act repealed.
- 2515. Limitation on county real estate taxes.
- 2516. Imposition and increases in other county taxes and fees.
- 2517. Audit committee.
- 2518. ~~The Citizens' Budget Review Commission.~~

**Introducer's Memorandum to
Recommendation Intro. No. 147**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove reference to the citizens' budget review commission, should that be removed from the Charter.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.148
Recommendation No._____

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 new Section 2602A be inserted to read as follows:

Section 2602A. Amendments to contracts. No contract to which the County of Erie is a party, regardless of prior authorization granted to the county executive or any other individual acting on behalf of the county, shall be amended to extend the term of the contract or aggregately increase the dollar amount of the contract in excess of \$10,000, without the approval of the Legislature.

**Introducer's Memorandum to
Recommendation Intro. No. 148**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is ensure that contracts are not amended in excess of \$10,000, above the amount approved of the Legislature.

**RECOMMENDATION TO AMEND THE ERIE COUNTY CHARTER
ERIE COUNTY CHARTER REVISION COMMISSION OF 2016**

Recommendation Intro. No. 149

Recommendation No. _____

Introduced by Commission Member & Budget Subcommittee Member Cheryl Meyers Buth

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 2508 be amended to read as follows:

2508. ADOPTION OF A BUDGET

- A. The County Legislature after one or more public hearings herein, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county legislature, after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval **except a decrease in the risk retention allocation as further described in this section.**

The report of the budget committee to the county legislature concerning amendments to the county executive's tentative budget shall be presented to the legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the budget committee report or less than forty eight hours prior to the annual meeting, shall be considered separately with each line item voted on individually on the floor of the legislature.

- B. If the budget is passed by the county legislature with no additions or increases, **or any decrease in the risk retention allocation (hereafter referred to collectively as "adjusted items")**, such budget shall be deemed to have been adopted with out any further action by the county executive; if, however, the budget as passed by the county legislature contains any such ~~additions or increases~~ **adjusted items**, the same shall be presented by the clerk of the legislature to the county executive not later than the Wednesday following the first Tuesday in December, for his or her consideration. ~~of such additions or increases~~ If the county executive approves all ~~additions and increases~~ **adjusted items**, he or she shall affix

his or her signature to a statement thereof and return the budget and such statement to the clerk of the legislature. The budget, including the ~~additions and increases~~ **adjusted items** as part thereof, shall then be deemed adopted.

- C. The county executive may object to any one or more of such ~~added or increased~~ **adjusted** items and in such case shall append to the budget a statement of ~~the added or increased~~ **such** items to which he or she objects with the reasons for his or her objections, and shall return the budget with his or her objections to the clerk of the county legislature who shall present the same to the county legislature on or before the Monday preceding the second Tuesday in December. The county legislature shall thereupon enter the objections upon its journal and proceed to reconsider the ~~additions and increases~~ **adjusted items** so objected to. If upon such reconsideration two thirds of all members of the county legislature vote to approve such ~~additions and increases~~ **adjusted items**, or any of them, the budget with any **adjusted items** so approved, together with any ~~additions and increases~~ **adjusted items** not so objected to by the county executive, shall be deemed adopted.
- D. If a budget with ~~additions or increases~~ **adjusted items** is not returned by the county executive to the clerk of the legislature with his or her objections on or before the Monday preceding the second Tuesday in December, it shall be deemed adopted.
- E. If a budget has not been adopted as herein provided, on or before the second Tuesday or December in each year, then the tentative budget as submitted by the county executive, plus all ~~additions and increases~~ **adjusted items** to which he or she has failed to object, shall be the budget for the ensuing fiscal year.
- F. ~~Four~~ **Three** copies of the budget as adopted shall be certified by the county executive and by the clerk of the county legislature. One such copy shall be filed in the office of the county executive, and one each in the offices of the county comptroller, ~~the commissioner of the finance and~~ the clerk of the county legislature. ~~The budget so certified shall be printed or otherwise reproduced and copies shall be made available.~~ **The budget shall simultaneously be made available on the county's website.**

**INTRODUCER'S MEMORANDUM TO
RECOMMENDATION INTRO. NO. 149**

SPONSOR: CHERYL MEYERS BUTH

This amendment is proposed to address underfunding or overfunding of the Risk Retention Fund as part of the Erie County budget process.

Since 1995, the Division of Risk Retention in the General Fund has been the account designated from which the payment of losses due to litigation is paid (does not include personal services budget for County Law Department). According to general accounting principles, each year the amount budgeted is established through a review of claims asserted against the County and the application of historical experience to outstanding claims.

In the 2016 budget, the County Executive recommended \$2 million dollars in Risk Retention funding. The 2015 amount adopted was \$2 million dollars and in 2014 the Actual appropriation was \$1.89 million dollars. In 2016 the Legislature approved half of the requested amount, \$1 million dollars. This has left the Risk Retention Fund with a significant shortfall, the consequence of which is that the County Attorney's Office may be unable to settle cases for which there is potential liability on the part of the County, the timing of which would save taxpayer dollars. It also creates uncertainty as to whether and how much the Legislature will supplement the fund with for the remainder of the year.

While this situation can be addressed through surplus or as part of a balanced budget amendment, we do not believe that practice is in the best interests of the public. Responsible financial management calls for the most accurate estimate of loss liabilities during the budget process. Not only is this good government, it provides transparency for taxpayers into the County's actual expected losses at the time the budget is passed and an ability to reasonably account for losses from year to year. The Risk Retention Fund is unlike other budgetary items that govern, for example, personnel or the allocations to individual departments. A shortfall in the Risk Retention Fund affects how our County Government as a whole meets its legal obligations. A shortfall could potentially have a negative effect on the County's bond rating if, for example, a bond has to be floated to cover a settlement or the Fund is consistently short year to year. Likewise, by overestimating the amount necessary other budgetary items may be underfunded based on an apparent lack of available resources.

To ensure that the amount allocated to the Risk Retention Fund meets the goals above, this amendment would allow for a line-item veto by the County Executive if the Legislature increases **or decreases** the amount requested. Currently, the County Executive can only object to additions or increases to his/her proposed budget. This narrow amendment would now allow for objections to a decrease in the Risk Retention Fund which objection could then be overridden by a 2/3 majority of the Legislature.

This proposed Amendment unanimously passed the bipartisan Budget Committee on May 2, 2016.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.150
Recommendation No._____

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 202.3 be amended to read as follows:

5. The county legislature shall specifically establish the effective date of any adjustments in the salaries of elected county officials. No increase in the salary of an elected official shall be permitted for any fiscal year in which there is an increase in the real property full value tax ~~levy rate~~ over the real property full value tax ~~levy rate~~ of the previous fiscal year. ~~Amended by Local Law No. 1 1992.~~

**Introducer's Memorandum to
Recommendation Intro. No.150**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is allow elected officials' salaries to be increased in years where there is not an increase in property tax rate, even if the levy increases.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 151
Recommendation No. _____

Introduced by Chairman Aldinger

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 202.3 is amended to read as follows:

Section 202.3. Increasing the salaries of county elected officials. The Erie county legislature is hereby prohibited from changing the salary of any county elected official, excluding the district attorney, except in accordance with the following procedure:

- 1 Prior to acting upon the citizens salary review commission's biennial report, the county legislature shall hold at least one public hearing to solicit public input on said commission's recommendations.
- 2 Notices of all such public hearings shall be published at least once in the official newspaper or newspapers of the county and in such other newspapers as the county legislature may direct. At least five days but not more than ten days shall elapse between the first publication of such notice and the date specified for the hearing.
- 3 The county legislature shall have one year from the date said recommendations are submitted to adopt, modify, or reject the recommendations of the citizens salary review commission.
- 4 Any salaries approved by the county legislature in excess of those recommended by the citizens salary review commission shall be approved by a vote of at least two thirds of all the members of the county legislature.
- 5 The county legislature shall specifically establish the effective date of any adjustments in the salaries of elected county officials. No increase in the salary of an elected official shall be permitted for any fiscal year in which there is an increase in the real property tax levy over the tax levy of the previous fiscal year.
- 6 The county legislature's review of salaries as set forth above shall occur during every even year starting with nineteen hundred eighty six. **No increase in the salary of any county elected official shall take effect until the current term of office of the elected official that is to receive an increase in salary has ended.**

**Introducer's Memorandum to
Recommendation Intro. No. 151**

Sponsor: Aldinger

The intent and purpose of this recommendation is to create a new procedure for increasing the salaries of elected officials in Erie County. It has come to our attention that the current procedure to increase salaries is a cumbersome process that, while having recommended salary increases, has not actually resulting in salary increases. This recommendation creates a new procedure for raising elected officials salaries that gives increased input to the citizens who pay these elected officials' salaries through their tax dollars. In addition this recommendation prevents any increase in salaries midway through an elected officials term. Candidates run for office knowing what they will be paid, and citizens vote for candidates knowing the compensation they will receive should they win. For these reasons any increase to an elected official's salary should not become effective until after the current term of office expires.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No.152
Recommendation No._____**

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 2503 be amended to read as follows:

Section 2503. Tentative budget and capital program by county executive. On or before the 15th day of October of each year the county executive shall submit to the county legislature a tentative budget for the ensuing fiscal year, a financial forecast for the ~~two (2)~~ **four (4)** subsequent years, a capital program for the next six (6) fiscal years, and an accompanying message.

**Introducer's Memorandum to
Recommendation Intro. No. 152**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to provide for an additional two years of financial forecasts be provided to the legislature with each tentative budget.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 153
Recommendation No. _____**

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 2508 be amended to read as follows:

Section 2508. Adoption of budget.

- A. The county legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the budget committee to the county legislature concerning amendments to the county executive's tentative budget shall be presented to the legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Any and all budget amendments, whether from the budget committee or individual legislators must be laid on the table no less than forty eight hours prior to the annual meeting for budget adoption. No Budget budget amendments proposed subsequent to the tabling of the budget committee report, or less than forty eight hours prior to the annual meeting, shall be considered separately with each line item voted on individually on the floor of the legislature.

**Introducer's Memorandum to
Recommendation Intro. No. 153**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is make sure that all budget amendments are on the table for 48 hours before they are voted on.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.154
Recommendation No._____

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 2508 be amended to read as follows:

- A. The county legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the budget committee to the county legislature concerning amendments to the county executive's tentative budget shall be presented to the legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the budget committee report, or less than forty eight hours prior to the annual meeting, shall be considered separately with each line item voted on individually on the floor of the legislature.

- B. If the budget is passed by the county legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the county executive; if, however, the budget as passed by the county legislature contains any such additions or increases, the same shall be presented by the clerk of the legislature to the county executive not later than the **second business day after the sixth of** ~~Wednesday following the first Tuesday in~~ December, for his or her consideration of such additions or increases. If the county executive approves all additions and increases, he or she shall affix his or her signature to a statement thereof and return the budget and such statement to the clerk of the legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.

- C. The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he or she objects with the reasons for his or her objections, and shall return the budget with his or her objections to the clerk of the county legislature who shall present the same to the county Legislature on or before the seventh business day after the sixth of ~~Monday preceding the second Tuesday in~~ December. The county legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the county legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted.
- D. If a budget with additions or increases is not returned by the county executive to the clerk of the legislature with his or her objections on or before the tenth business day after the sixth of ~~Monday preceding the second Tuesday in~~ December, it shall be deemed adopted.
- E. If a budget has not been adopted, as herein provided, on or before the first business day after the sixth ~~second Tuesday~~ of December in each year, then the tentative budget as submitted by the county executive, plus all additions and increases to which he or she has failed to object, shall be the budget for the ensuing fiscal year.
- F. Four copies of the budget as adopted shall be certified by the county executive and by the clerk of the county legislature. One such copy shall be filed in the office of the county executive, and one each in the offices of the county comptroller, the commissioner of finance and the clerk of the county legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

**Introducer's Memorandum to
Recommendation Intro. No. 154**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is change the budget deadlines so that more time is provided to the legislature to consider the budget.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.155
Recommendation No._____

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 2504 be amended to read as follows:

- a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative unit, including independently elected officials, shall furnish to the budget director and to the commissioner of environment a planning a description, justification and estimate for each physical public improvement of works, hereinafter called capital project, which is proposed for development during one or more of the ensuing six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; estimated costs for planning, site of right of way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director and commissioner of environment and planning may deem advisable.
- b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, the commissioner of the department of environment and planning, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county legislature; the chair, the chair of the finance and management committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county legislature and no members of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chair and the budget director shall be the vice chair of this committee.
- c. Upon receiving a capital project request, the commissioner of environment and planning shall study the same with special references to comprehensive plans for

the county and for any affected municipality therein.

The commissioner of environment and planning shall promptly forward any such comments and recommendations regarding the proposed project to the budget director who shall submit the same, together with his or her own comments and recommendations to the capital projects committee and the County Planning Board ~~development coordination board~~. The capital projects committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between April fifteen and August fifteen at least twice, and as more often as may be required at the call of the chairman or vice chairman.

- d. The ~~development coordination board~~ County Planning Board shall make such recommendations to the county executive in regard to the ~~scope of the capital program, the~~ relative priorities of proposed projects ~~and suggested means of financing as its membership may determine~~. At the request of the county executive, joint meetings of the capital projects committee and the County Planning Board ~~development coordination board~~ shall be held.
- e. The budget director and deputy commissioner of environment and planning shall assist the County Planning Board ~~development coordination board~~ by presenting and explaining all capital project requests and shall furnish all relevant exhibits and information. The department of environment and planning shall also assist in the preparation of the capital improvement program report and all related information.
- f. Proposed capital program. On or before the fifteenth day of August, the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.
- g. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges of previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances. The proposed tentative capital budget shall not contain any capital debt for the purpose of paying salaries, utilities, supplies or other recurring operating expenses, unless authorized under New York State Law.

Added by Local Law No. 3-2006.

**Introducer's Memorandum to
Recommendation Intro. No.155**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is remove reference to the development coordination board and insert reference to the County planning board in the context of evaluating the capital plan.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 156
Recommendation No. _____**

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 2504 be amended to read as follows:

- a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative unit, including independently elected officials, shall furnish to the budget director and to the commissioner of environment a planning a description, justification and estimate for each physical public improvement of works, hereinafter called capital project, which is proposed for development during one or more of the ensuing six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; estimated costs for planning, site of right of way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director and commissioner of environment and planning may deem advisable.
- b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, the commissioner of the department of environment and planning, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county legislature; the chair, the chair of the finance and management committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county legislature and no members of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chair and the budget director shall be the vice chair of this committee.
- c. Upon receiving a capital project request, the commissioner of environment and planning shall study the same with special references to comprehensive plans for the county and for any affected municipality therein.

The commissioner of environment and planning shall promptly forward any such comments and recommendations regarding the proposed project to the budget director who shall submit the same, together with his or her own comments and recommendations to the capital projects committee ~~and the development coordination board~~. The capital projects committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between April fifteen and August fifteen at least twice, and as more often as may be required at the call of the chairman or vice chairman.

~~d. The development coordination board shall make such recommendations to the county executive in regard to the scope of the capital program, the relative priorities of proposed projects and suggested means of financing as its membership may determine. At the request of the county executive, joint meetings of the capital projects committee and the development coordination board shall be held.~~

~~e. The budget director and deputy commissioner of environment and planning shall assist the development coordination board by presenting and explaining all capital project requests and shall furnish all relevant exhibits and information. The department of environment and planning shall also assist in the preparation of the capital improvement program report and all related information.~~

fd. Proposed capital program. On or before the fifteenth day of August, the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.

ge. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges of previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances. The proposed tentative capital budget shall not contain any capital debt for the purpose of paying salaries, utilities, supplies or other recurring operating expenses, unless authorized under New York State Law.

**Introducer's Memorandum to
Recommendation Intro. No. 156**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to remove reference to the development coordination board, which is defunct.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 157
Recommendation No. _____

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 2505 be amended to read as follows:

- a. In presenting the tentative budget, the county executive shall report on the amount of the balance contained in the General Fund including non-spendable, restricted, committed, assigned or unrestricted funds. Such report for each fund shall be current as of the County's last audited financial statements.
- b. The county shall maintain an unassigned balance in the General Fund equal to or greater than five percent of the amount contained in the adopted budget of the General Fund of the County's last audited financial statements. For purposes of this section, the total General Fund calculation shall not include sales and compensating use tax revenues shared with local governments and school districts. Fund balance may be included as revenue in an approved budget of the General Fund provided that there shall remain an unassigned balance of at least five percent as provided in the first sentence of this paragraph.
- c. If the proposed county budget appropriates unassigned fund balance in the General Fund reducing the unassigned General Fund fund balance below five percent as described in subsection (b), the county executive shall present a separate resolution to the county Legislature parallel with the proposed county budget requesting approval of the appropriation. The county may only approve unassigned General Fund fund balance below the five percent level upon a two-thirds supermajority vote of the county legislature. A budget that is approved without a vote of the county legislature shall not appropriate any fund balance revenue in the General Fund in excess of the amount provided in this subsection. The county executive's tentative budget shall indicate equivalent deletions in the tentative budget that shall be executed if the use of fund balance permitted by this paragraph is not approved by the county legislature.
- d. Following approval of the annual budget, no additional unassigned General Fund fund balance shall be appropriated as revenue during the fiscal year without

the affirmative vote of at least two-thirds of the total membership of the county legislature.

**Introducer's Memorandum to
Recommendation Intro. No. 157**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to require that two thirds of the legislature must vote for any budget which reduces fund balance below 5%.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 158
Recommendation No. _____

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 new Article 25A be inserted to read as follows:

Article 25A – Regional Cooperation and Planning - Charter

<u>Section</u>	<u>25-A-01.</u>	<u>Regional Council.</u>
	<u>25-A-02.</u>	<u>County Planning Board.</u>

25-A-01. Regional Council.

A. Establishment; members. There is hereby established a Regional Council. Each of the town supervisors and city mayors of the several towns and cities that comprise Erie County shall be ex officio voting members of the Regional Council. The supervisors and mayors of the several towns and cities that comprise Erie County shall be deemed county officers and, when lawfully convened, shall constitute the Regional Council. Each ex officio member of the Regional Council shall have a weighted voting power in proportion to the number of eligible voters residing within the town or city that the supervisor or mayor represents. The Regional Council shall take no official actions except on the affirmative vote of members comprising a majority of the weighted voting power.

B. Powers and Duties. The Regional Council shall have the following powers and duties:

- 1. To elect a chairman and other officers.**
- 2. To adopt by resolution all necessary rules and regulations for its conduct and procedure.**
- 3. To meet as a body no less than once each quarter of a year.**
- 4. To be solely responsible for its own administration, the hiring of its staff, and controlling its own budget, subject to the appropriation of funds by the County Legislature or the voluntary appropriation of funds from any of the several towns or cities that comprise Erie County. The Regional Council may, by a two-thirds vote, require that each municipality pay annual dues in proportion to its weighted vote. Any municipality that does not pay dues as**

- so required shall not be allowed to vote in proceedings by the Regional Council until such dues are paid in full.
5. To request and receive adequate resources for the discharge of its responsibilities as may be deemed necessary by the County Legislature.
 6. To adopt resolutions.
 7. To recommend local laws to the County Legislature. The Legislature shall adopt, amend, or reject each recommendation received from the Regional Council within ninety days of such receipt.
 8. To appoint the voting members of a County Planning Board. In the event a County Planning Board is established, it shall consist of nine voting members divided into three classes with each class containing three members. All members shall serve three-year terms; provided the terms of the initial members of a County Planning Board shall be staggered so that one class of members shall serve a term of one year, one class of members shall serve a term of two years, and one class of members shall serve a term of three years. The three members of the County Planning Board within each class shall be appointed simultaneously with each member of the Regional Council voting its weighed vote for a single appointee. Only appointees receiving more than twenty-five percent of the weighted vote of the Regional Council shall be appointed to the County Planning Board. Voting to appoint all three members of a member-class shall continue until all three members are simultaneously elected in the manner described above. No planning board member shall be appointed unless an entire member-class is simultaneously appointed, provided that a single member may be appointed by a majority vote of the Regional Council to fill a vacancy on the County Planning Board other than a vacancy resulting by the expiration of a term. An appointment to fill such vacancy shall be for the unexpired portion of such term. No county planning board shall be established except as provided for in this Article. No voting members shall be appointed to any county planning board except as provided for in this paragraph.
 9. Such other duties and responsibilities as the County Legislature may assign.

25-A-02. Erie County Planning Board. As provided for by New York General Municipal Law Article 12-B, a County Planning Board is hereby established.

A) Membership.

- 1) Voting Members. The County Planning Board shall have nine voting members appointed by the Regional Council as provided for in this Article. All members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses approved by the County Legislature.
- 2) Non-voting Members. The following shall be ex officio non-voting members of the planning board:
 - i) The Deputy County Executive
 - ii) The Commissioner of the Department of Environment and Planning
 - iii) The Commissioner of the Department of Public Works

- iv) The Chair of the Legislature's Economic Development Committee
- v) The Chair of the Erie County Soil and Water Conservation District
- vi) The Director of the Erie County Agriculture and Farmland Protection Board
- vii) The Executive Director of the Greater Buffalo Niagara Regional Transportation Council

B) Qualifications. Each planning board member shall be a resident of Erie County. One member of each class of members must be a resident of a city. One member of each class of members must be a resident of a town that shares a border with the City of Buffalo. One member of each class of members must be a resident of a town that does not share a border with the City of Buffalo. Prior to appointment, each voting member of the planning board shall have demonstrated to the Regional Council a verifiable involvement in land use, real estate development, economic development, equitable public investment, growth management, transportation, environmental assessment or protection, or regional, urban, or rural planning for a period of not less than three years. No two members of the planning board may be residents of the same town or city, provided that there may be up to two members who are residents of the same town or city if such town or city represents more than one ninth of the population of Erie County. Anytime there is a vacancy, either of a single member or of a full member-class, each of the supervisors and mayors of the several towns and cities that comprise Erie County shall have the power to nominate one individual who resides in the town or city which he or she represents to become a member of the planning board. Only members nominated in this fashion shall be eligible to be appointed to the planning board.

C) Powers and Duties. The County Planning Board shall have the following powers and duties:

- 1) To elect a chairman and other officers.
- 2) To adopt all necessary bylaws, rules, and regulations for its conduct and procedure.
- 3) To meet as a body no less than twelve times annually.
- 4) To advise the County Executive and the County Legislature on all matters related to regional planning and long-term development patterns.
- 5) To assist the Department of Environment and Planning in preparing a comprehensive plan and other studies related to future growth, development, and preservation of the built and natural environment. Such comprehensive plan shall consist of two separate, but complementary, subparts: one part concerned primarily with the cities and the towns bordering the cities and another part concerned primarily with the towns that do not border cities. Such

comprehensive plan shall be updated no less frequently than every five years.

- 6) To prepare and submit to the County Executive and County Legislature an annual report, which:
 - i. Summarizes the major development projects proposed, underway, or completed during the prior calendar year; and
 - ii. Evaluates the degree to which each such project conforms with and furthers the comprehensive plan.
- 7) To be solely responsible for its own administration, the hiring of its staff, and controlling its own budget, subject to the appropriation of funds by the County Legislature or the voluntary appropriation of funds from any of the several towns or cities that comprise Erie County. The Regional Council may, by a two-thirds vote, require that each municipality annually contribute funds to the County Planning Board in proportion to its weighted vote on the Regional Council. Any municipality that does not pay contribute funds as so required shall not be allowed to vote in proceedings by the Regional Council until such required contributions are paid in full.
- 8) Any other powers as may be assigned to the County Planning Board by the County Legislature; provided, however, that additional powers shall not be assigned to the County Planning Board without the advice and consent of at least two-thirds of the weighted vote of the Regional Council. The County Planning Board shall not have the authority, under New York General Municipal Law Sections 239-m or 239-n, to review any city, town, or village subdivision, planning, or zoning actions unless such authority is specifically granted to the County Planning Board by a local law passed by two-thirds of the County Legislature with the advice and consent of at least two-thirds of the weighted vote of the Regional Council.

D) Staff. The County Planning Board shall be staffed, subject to the appropriation of funds by the County Legislature or the voluntary appropriation of funds from any of the several towns or cities that comprise Erie County, by employees who are selected by and serve at the will of the County Planning Board.

**Introducer's Memorandum to
Recommendation Intro. No. 158**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to create a regional council of all town supervisors and city mayors. This board will have the ability to propose local laws and to nominate the members of the County planning board. The County Planning Board will be advisory, but can be granted additional powers upon the consent of 2/3 of the regional council.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No.159
Recommendation No._____**

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 2608 be amended to read as follows:

The Erie County Charter shall undergo a mandatory decennial review and the review shall commence by seating a Charter Review Commission by ~~January~~ **October** 15, ~~2024~~**16**, which shall report its recommendations to the Erie County Legislature no later than May 15, ~~2025~~**16**.

**Introducer's Memorandum to
Recommendation Intro. No.159**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to provide that the next charter revision commission has more time to perform its work.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 160
Recommendation No. _____**

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 1803 be inserted to read as follows:

Article 18 - Comptroller - Charter

Section 1801. Election; comptroller's act **Repealed.**

1802. Powers and duties.

1803. Division of real property tax services; director.

**Introducer's Memorandum to
Recommendation Intro. No.160**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to change the titles of Article 18 to conform with other proposed recommendations.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 161
Recommendation No. _____

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 be amended to read as follows:

Article 22-~~BA~~ - Citizens Salary Review Commission - Charter

Section	22- BA -01.	Establishment and membership.
	22- BA -02.	Duties of commission.

Section 22-~~BA~~-01. Establishment and membership. There is hereby established a citizens salary review commission, to be known as the citizens salary review commission of Erie county, herein after called the commission. The commission shall consist of nine members and it shall be representative of taxpayer, civic, labor, business, professional, financial and minority groups in the county of Erie. Six members of the commission shall be appointed by the county executive. Two of the members of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a majority of the legislature. One member of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a minority vote of the legislature.

Each executive and legislative appointment to the commission shall be for a full term of three years, except that the appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term, shall be made for the unexpired term. Each member shall continue to serve until the appointment and qualification of his or her successor. Vacancies shall be filled and the appointments of successors shall be made in the same manner as original appointments by the appointing authority

responsible for the original appointment. The term of office of all members of the commission shall be deemed as commencing on July first, nineteen hundred eighty six.

Section 22-~~BA~~-02. Duties of commission. Beginning on July first, nineteen hundred eighty six, the commission shall review the salaries of all elected officials of the county of Erie, except for the district attorney, and report its recommendations to the county executive and the county legislature by September first of that year. The committee shall provide ample opportunity for public input prior to making its recommendations to the county executive and county legislature. Such a review of salaries set as forth above shall occur during every even year starting with nineteen hundred eighty six.

Added by Local Law No. 6 1986.

Article 22-B was formerly numbered article 23-B, which was formerly numbered Article XVI-E*.

* See also article XVI E, Erie County Commission on the Status of Women, Added by Local Law No. 3 1987, REPEALED by Local Law No. 3-2006.

Article 22-~~CB~~ - Erie County Community Coordinating Council on Children and Families - Charter

Section	22- CB -01.	Legislative declaration of policy.
	22- CB -02.	Establishment, powers and duties.
	22- CB -03.	Membership, meetings.
	22- CB -04.	The county executive.
	22- CB -05.	Staff.
	22- CB -06.	Effective date.

Section 22-~~CB~~-01. Legislative declaration of policy. It is hereby declared to be the public policy of Erie county, New York, to take all proper measures to preserve and

strengthen the family unit and to aid in the establishment of a nurturing environment to encourage the proper development of children.

To further this policy the Erie county government provides evaluation, treatment and preventative services to the children and families of Erie county.

The Erie county legislature finds that this policy and these services can be more effectively administered and efficiently delivered by systematic coordination among the local government, public voluntary system of social, educational, health, mental health and other supportive and rehabilitative services to children and families.

The services system can be strengthened by:

1. Fostering cooperation among local government and both public and voluntary agencies to provide better coordination supervision of services to children and families.
2. Eliminating duplication of services where possible and maximizing service provisions through judicious use of tax dollars, grants and other funding mechanisms as may become available.
3. Stressing more meaningful accountability by providers, in all sectors, regarding the quality and quantity of services provided to children and families.
4. Improving methods of ascertaining community needs and setting program goals as they relate to services for children and families.

Section 22-~~CB~~-02. Establishment, powers and duties. There is hereby created, the Erie county community coordinating council on children and families, hereafter called council. The council shall:

1. Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services.
2. Identify problems and deficiencies in existing services and recommend corrective action.
3. Improve coordination of program and fiscal resources within the children's services system.
4. Act as a liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.
5. Review and resolve administrative, and where appropriate, regulatory differences between agencies.
6. Develop long range plans to improve services to children and families. This should be accomplished through a five year comprehensive service plan similar to those utilized by county departments.

7. Act as a forum for community discussion of issues pertaining to services for children and families.
8. Carry out any and all activities deemed necessary to accomplish the goals of the council as stated herein.

Section 22-~~CB~~-03. Membership; meetings. The council shall consist of the following members: the Erie county commissioners of youth, social services, health and mental health, the director of the office for the disabled and the chief clerk from the Erie county family court, three consumer/client representatives, and five representatives from local charitable and/or community based organizations concerned with children and families, the director of the office of probation, one representative from a suburban school district and two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and four members of the business community.

The legislature shall appoint the eight community representatives and two representatives of the business community as follows: six to be named by the majority and four to be named by the minority. Five of these members shall serve two year terms and five shall serve three year terms. These members can only be reappointed once.

The county executive shall appoint the one representative from a suburban school district and the two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and two representatives of the business community.

The chair shall be appointed by the county executive and confirmed by the legislature, and shall not be one of the twenty four members previously stated.

The council shall have the authority to appoint ad hoc council members to advise them, as they may deem necessary.

The council shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The council shall adopt rules and procedures for its meetings; shall keep accurate records of its meetings and activities, and shall file an annual report with the county legislature and the county executive.

The council shall convene for its first meeting in the quarter of the year in which they are appointed. The council shall present its first report to the legislature before adoption of the annual budget in the year they are appointed, and every year thereafter on June first.

The annual report shall include the methodology for acquiring accurate statistics, which the council will use to evaluate and plan for services. Also, they should report any short term budget recommendations for the nineteen hundred ninety three budget.

The council shall then make yearly budget recommendations and five year service plans.

Section 22-~~EB~~-04. The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit or any agency or organization receiving county funding, to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 22-~~EB~~-05. Staff. The council shall be provided with a coordinator, under the auspices of the county executive to serve the council in capacities which include managing the correspondence of the council; providing a schedule of meeting dates; distributing a calendar of information on programs and events members may be interested in attending. The coordinator shall also serve as research assistant, and coordinate and implement the use of the monitoring mechanism, so that the council shall have service and program data to use in its planning efforts. The council and its coordinator shall also have access to secretarial staff as needed to complete its tasks.

Section 22-~~EB~~-06. Effective date. This law shall take effect immediately.

Amended by Local Law No. 3 1992.

Amended by Local Law No. 7 1990.

Added by Local Law No. 4 1988.

Article 22-C was formerly numbered article 23-C, which was formerly numbered Article XVI-F.

**Introducer's Memorandum to
Recommendation Intro. No.161**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to update the numbering of the Charter should Article 22A be moved into Article 10.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 162
Recommendation No. _____**

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 10 be amended to read as follows:

Article 10 - Department of Environment and Planning - Charter

Section 1001. Department of environment and planning; commissioner; qualifications.

1002. Powers and duties of commissioner.

1003. County environmental quality code.

1004. Erie County Environmental Management Advisory Board.

**Introducer's Memorandum to
Recommendation Intro. No.162**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to retitle Article 10 provided that Article 22 be moved into Article 10.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No. 163
Recommendation No. _____

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 new Section 1004 be inserted to read as follows:

Section 1004. Erie County Environmental Management Advisory Board.

A. 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 board 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 the community, and for fostering unified action on environmental problems among local governments and among public and private agencies and organizations operative within the county.

B. Establishment of the Erie County Environmental Management Advisory Board; membership. There is hereby established, pursuant to Article 47 of the Environmental Conservation Law, a county environmental management council, to be known as the Erie County Environmental Management Advisory Board, hereinafter, within this Article, called the Board. This Board is deemed an advisory board for the purposes of this Charter and, except as provided otherwise in

this Article, is subject to all the requirements of advisory boards elsewhere laid out in this Charter.

The Board 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 Board established by the official governing body of such town, village or city. The term of all members shall be two years. Vacancies on the Board 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, shall be ex officio voting members of the Board.

The county executive shall appoint one member of the Board as chairman thereof. The Board shall meet at least four times each year. The Board 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. The Board shall be responsible to the county executive.

C. Powers, duties and functions of the Board. The Board may advise on all matters affecting the preservation, conservation and ecologically suitable use of the natural resources of the county.

The Board shall review and investigate ecologically sound methods of planning the use of the county's resources. The Board, in cooperation with the Deputy Commissioner of environment compliance, the county planning board, and other appropriate agencies, shall prepare annually a plan for the protection of the county's environment and the management of its natural resources, and shall transmit same to the county executive and county legislature. This report shall include an account of the Board's activities and accomplishments.

The Board shall keep an index of all open areas within the county, with the plan of obtaining information pertinent to sound ecological utilization of such areas including land owned by any municipality within the county. It shall keep an index of all open marsh lands, swamps, and all other wet lands in a like manner, and may recommend a program for their ecologically suitable utilization

The Board shall develop and maintain an inventory of natural resources within the county and such other environmental information as may be appropriate. Said inventory shall include wetlands and open spaces and may include, but not be limited to, factors relating to geology, soils, slope, water resources, vegetation, wildlife habitat unique natural areas, and scenic, historic, and archaeological sites.

The Board 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 Board 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 Board shall maintain liaison with the Erie County Planning Board, 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.

D. Compensation and expenses. Unless otherwise provided by recommendations of the county executive and resolution of the legislature, the members of the Board 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.

**Introducer's Memorandum to
Recommendation Intro. No. 163**

Sponsored by Commission Member Peter Galie

The intent and purpose of this recommendation is to move the Environmental Management Advisory Board into Article 10.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.164
Recommendation No._____

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Sponsored by Commission Member _____

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 2507 be amended to read as follows:

Section 2507. Budget controls.

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

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

**Introducer's Memorandum to
Recommendation Intro. No. 164**

Sponsored by Commission Member _____

The intent and purpose of this recommendation is to ensure that money that is allocated to a position that is not filled for more than a year is returned to the general fund.

**Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016**

**Recommendation Intro. No. 167
Recommendation No. _____**

Introduced on the Report of the Special Committee on Consolidation and Conformity.

Introduced by Member Rashied H. McDuffie

Article 22-B. Citizens Salary Review Commission-Charter

The Erie County Charter Revision Commission of 2016 does hereby recommend that Section 22-B-01 is amended to read as follows:

Section 22-B-01. Establishment and Membership: There is hereby established a citizens' salary review commission, to be known as the citizens' salary review commission of Erie County, herein after called the commission. The commission shall consist of nine members and it shall be representative of taxpayer, civic, labor, business, professional, financial, and minority groups in the county of Erie. Five members of the commission shall be appointed by the County Executive. Two of the members of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a majority of the legislature. One member of the commission shall be appointed by a majority vote of members of the political party whose membership of the county legislature constitutes a minority vote of the legislature. **One member of the commission shall be appointed by the county comptroller.**

“Except as otherwise provided in this charter the procedure for the adoption of a local law including referendum, mandatory or permissive, shall be as provided in the administrative code and in the absence thereof be applicable law. “

**Introducer's Memorandum to
Recommendation Intro. No. 167**

The intent and purpose of this recommendation is to ensure meaningful participation from the office of county comptroller and make budgetary decision making more transparent. The Current procedure under the charter does not allow for the involvement of an appointee from the county comptroller. Thus, there is no way we can make sure that a full and fair considerations are afforded to every decision.

DELETE SECTION 2208 IN ITS ENTIRETY AND REPLACE IT WITH THE FOLLOWING:

Section 2208. Erie County Planning Board. As provided for in New York State General Municipal Law section 239-c, subsection 2 (a), Erie County shall establish a planning board by county charter.

Provisions for the composition, qualifications, powers and duties, and bylaws of the planning board are set forth in section 2208 of the Erie County Charter, sub sections (a), (b), (c), (d), and (e) below.

- a. Composition. The Erie County planning Board shall consist of 13 voting members and 6 non-voting, ex-officio, members as prescribed below:

Voting:

1. One (1) member appointed by the Erie County Executive who is a resident of the City of Buffalo;
2. One (1) member appointed by the Erie County Legislature who is a resident of either of the cities of Buffalo, Lackawanna or Tonawanda;
3. One (1) member appointed by the Erie County Executive who is a resident of one of the ten (10) most populous towns in Erie County, as determined by the most recently completed census.
4. One (1) member appointed by appointed by the Erie County Legislature who is a resident of one of the ten (10) most populous towns in Erie County, as determined by the most recently completed census.
5. One (1) member appointed by the Erie County Executive who is a resident of one of the remaining towns within Erie County;
6. One (1) member appointed by the Erie County Legislature who is a resident of one of the remaining towns within Erie County;
7. One (1) member appointed by the Erie County Executive who is a resident of one of the eight (8) most populous villages in Erie County, as determined by the most recently completed census.
8. One (1) member appointed by the Erie County Legislature who is a resident of one of the remaining villages in Erie County;
9. One (1) member appointed by the Erie County Executive who is a professional planner, certified by the American Institute of Certified Planners, or who has a Master's or Bachelor's Degree in City and Regional Planning from an institution accredited by the Planning Accreditation Board.
10. One (1) member appointed by the Erie County Legislature who is a professional planner, certified by the American Institute of Certified Planners or who has a Master's Degree from an institution accredited by the American Planning Association.
11. One (1) member appointed by the Erie County Legislature who shall be a municipal planner or a member of a municipal planning board and who shall be selected based on a recommendation of up to three people made by the Association of Erie County Governments;
12. One (1) member appointed by the Erie County Executive who is affiliated with a for-profit organization involved in real estate sales, development, or construction;
13. One (1) member appointed by the Erie County Executive who is affiliated with a not-for-profit organization whose mission is related to the improvement of land use, transportation, equitable public investment, and/or preservation of the built/natural environment.

Non-Voting: All non-voting members shall be ex-officio members consisting of the following:

1. The Commissioner of the Department of Environment and Planning;
2. The Commissioner of the Department of Public Works;

3. The President of the Erie County Industrial Development Agency;
4. The Executive Director of the Greater Buffalo Niagara Regional Transportation Council.
5. The chairperson of the Environmental Management Council, or such person's designee; and
6. The chairperson of the Agriculture and Farmland Protection Board, or such person's designee.

b. Qualifications.

- i. Each planning board member shall be a resident of Erie County and shall remain a resident while holding a position as a member of the planning board. Furthermore, prior to appointment, each planning board voting member shall have demonstrated to the appointing authority a verifiable involvement in or advocacy for the improvement of land use, real estate development, equitable public investment, growth management, transportation, the environment, or regional, urban, or rural planning for a period of not less than three years.
- ii. No person shall be reappointed as a voting member unless such person has, for each year as a voting member, fulfilled the current training and continuing education requirements for Planning Board members as established by the State of New York.
- iii. No person who is currently serving as an elected official shall be appointed to the Planning Board.

c. Term of Planning Board Members.

- i. Voting members shall be appointed to serve for a term of three (3) years except that the terms of the initial voting members shall be established in the Bylaws consistent with section e below.
- ii. No person shall serve more than two (2) consecutive three-year terms as a voting member on the Board, including the completion of a term of another voting member. Any previous member who has served such two (2) consecutive three-year terms shall not be eligible to serve again until two (2) years following the last date of the most recent of such consecutive terms served.

d. Powers and Duties. The Erie County Planning Board shall have the following powers and duties:

1. To conduct reviews of all Type 1 Actions as defined by the State Environmental Quality Review Act (SEQRA) Implementing Regulations 6.N.Y. C. R. R. Part 617 of planning and zoning actions by a town, city, or village as said actions are so defined in sections 239-m and n of New York State General Municipal Law (NYS GML). The purpose of said reviews shall be to bring pertinent countywide planning considerations to the attention of the sponsoring and neighboring municipality. Factors to consider in such reviews shall include but not be limited to:
 - i. Compatibility of various land-uses with one another;
 - ii. Traffic generating characteristics of various land-uses relative to county infrastructure;
 - iii. Impact of proposed land-uses on existing and proposed county institutional or other uses;
 - iv. Official county and municipal development policies as may be expressed through comprehensive plans, capital programs or regulatory measures;

- v. Such other matters as may relate to achieving an efficient and attractive built environment.
 2. To advise the County Executive and the Erie County Legislature on all matters relating to regional planning and long-term development patterns.
 3. To assist the County's Department of Environment and Planning in preparing a comprehensive plan and other studies relevant to the future growth, development, and preservation of the built and natural environment, along with the successful implementation of legacy planning documents like the Erie Niagara Framework for Regional Growth and One Region Forward.
 4. All other planning and zoning referrals defined in section 239 m of NYS GML that do not qualify as Type 1 actions under SEQRA shall be reviewed by the Deputy Commissioner of Planning consistent with section 9.03 of the Erie County Administrative Code.
- e. Bylaws. The Erie County Planning Board shall have the authority to adopt, by a majority vote of its members, bylaws which prescribe initial term limits, attendance, quorum, officers, meeting notifications, conflicts of interest, and other administrative matters.

DELETE EXISTING SECTION 2208 IN ITS ENTIRETY AND REPLACE IT WITH THE FOLLOWING:

Section 2208. Erie County Planning Board. As provided for in New York State General Municipal Law section 239-c, subsection 2 (a), Erie County shall establish a planning board by county charter. Provisions for the composition, qualifications, powers and duties, and bylaws of the planning board are set forth in section 2208 of the Erie County Charter, sub sections (a), (b), (c), and (d) below.

- a. **Composition.** The Erie County planning Board shall consist of 13 voting members and 5 non-voting, ex-officio, members as prescribed below:

Voting:

1. One (1) member appointed by the Erie County Executive who is a resident of the City of Buffalo;
2. One (1) member appointed by the Erie County Legislature who is a resident of either of the cities of Lackawanna or Tonawanda;
3. One (1) member appointed by the Erie County Executive who is a resident of one of the ten (10) most populous towns in Erie County, as determined by the most recently completed census.
4. One (1) member appointed by appointed by the Erie County Legislature who is a resident of one of the ten (10) most populous towns in Erie County, as determined by the most recently completed census.
5. One (1) member appointed by the Erie County Executive who is a resident of one of the remaining towns within Erie County;
6. One (1) member appointed by the Erie County Legislature who is a resident of one of the remaining towns within Erie County;
7. One (1) member appointed by the Erie County Executive who is a resident of one of the eight (8) most populous villages in Erie County, as determined by the most recently completed census.
8. One (1) member appointed by the Erie County Legislature who is a resident of one of the remaining villages in Erie County;
9. One (1) member appointed by the Erie County Executive who is a professional planner, certified by the American Institute of Certified Planners, or who has a Master's or Bachelor's Degree in City and Regional Planning from an institution accredited by the Planning Accreditation Board.
10. One (1) member appointed by the Erie County Legislature who is a professional planner, certified by the American Institute of Certified Planners or who has a Master's Degree from an institution accredited by the American Planning Association.
11. One (1) member appointed by the Erie County Legislature who shall be a municipal planner or a member of a municipal planning board and who shall be selected based on a recommendation of up to three people made by the Association of Erie County Governments;

12. One (1) member appointed by the Erie County Executive who is affiliated with a for-profit organization involved in real estate sales, development, or construction;
13. One (1) member appointed by the Erie County Executive who is affiliated with a not-for-profit organization whose mission is related to the improvement of land use, transportation, equitable public investment, and/or preservation of the built/natural environment.

Non-Voting: All non-voting members shall be ex-officio members consisting of the following:

1. The Deputy County Executive;
2. The Commissioner of the Department of Environment and Planning;
3. The Commissioner of the Department of Public Works;
4. The President of the Erie County Industrial Development Agency; and the
5. Executive Director of the Greater Buffalo Niagara Regional Transportation Council.

- b. **Qualifications.** Each planning board member shall be a resident of Erie County and shall remain a resident while holding a position as a member of the planning board.

Furthermore, prior to appointment, each planning board voting member shall have demonstrated to the planning authority a verifiable involvement in or advocacy for the improvement of land use, real estate development, equitable public investment, growth management, transportation, the environment, or regional, urban, or rural planning for a period of not less than three years.

- c. **Powers and Duties.** The Erie County Planning Board shall have the following powers and duties:

1. To conduct reviews of certain classes, as further defined in the bylaws established pursuant to section 2208 (d), of planning and zoning actions by a town, city, or village as said actions are so defined in sections 239-m and n of New York State General Municipal Law. The purpose of said reviews shall be to bring pertinent countywide planning considerations to the attention of the sponsoring and neighboring municipality. Factors to consider in such reviews shall include but not be limited to:
 - i. Compatibility of various land-uses with one another;
 - ii. Traffic generating characteristics of various land-uses relative to county infrastructure;
 - iii. Impact of proposed land-uses on existing and proposed county institutional or other uses;
 - iv. Official county and municipal development policies as may be expressed through comprehensive plans, capital programs or regulatory measures;
 - v. Such other matters as may relate to achieving an efficient and attractive built environment.
2. To advise the County Executive and the Erie County Legislature on all matters relating to regional planning and long-term development patterns.

Recommendation to Amend the Erie County Charter
Erie County Charter Revision Commission of 2016

Recommendation Intro. No.173
Recommendation No._____

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 a new Section 202.5 be added to read as follows:

Section 202.5. Allocation of funds for the Erie County Legislature. The fund appropriated for the County Legislature in the annual budget, exclusive of the funds for the Office of the Clerk of the County Legislature, shall be allocated to the Majority and Minority in the proportion that the Majority members of the legislature will bear to eleven, provided that the Majority will not receive more than 65 percent of the funds appropriated for the County Legislature in the annual budget, exclusive of the funds for the Office of the Clerk of the County Legislature, and the proportion that the Minority members of the Legislature will bear to eleven, provided that the Minority will not receive less than 35 percent of the funds appropriated for the County Legislature in the annual budget, exclusive of the funds for the Office of the Clerk of the County Legislature, as of the commencement of the fiscal year for which the budget is adopted. The Country Legislature shall adopt an ordinance or resolution to effect the allocation in December of each year where necessary. Notwithstanding anything else to the contrary, this section may only be altered, amended, repealed or superseded by nine affirmative votes of the County Legislature.

**Introducer's Memorandum to
Recommendation Intro. No.173**

Sponsor: Aldinger

The intent and purpose of this recommendation is to ensure that both caucuses of the legislature receive sufficient staffing. Staffing will generally be allocated proportionally to both caucuses, but a floor and ceiling are also set to ensure that a minority caucus always has sufficient resources to function as the loyal opposition.