

**COUNTY OF ERIE**  
**LOCAL LAW INTRO. NO. 15-1 2017**  
**LOCAL LAW NO. \_\_\_\_ - 2017**

A Local Law amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, amending Article 10, in relation to establishing an "Erie County Water Quality Commission."

Be it enacted by the Legislature of the County of Erie as follows:

**SECTION 1. LEGISLATIVE INTENT.**

It is the intent of the Legislature to establish the Erie County Water Quality Commission (the "Commission") for the purpose of protecting the purity of Erie County's water supply and having mechanisms in place to develop and institute plans in accordance with this initiative. Goals of the Commission include regulating, controlling, and preventing pollutants from entering the water, securing State, Federal and private funding for water related initiatives, using relative academic and scientific studies to help safeguard the County's water supply for its residents, and creating a committed membership of experts available to assist County officials when water quality issues arise.

As a life-sustaining commodity, an abundant supply of fresh, clean water is essential in virtually every aspect of our daily lives, and as a government charged with protecting the health and well-being of its citizens, Erie County must be proactive and forward-thinking in protecting this vital resource from ever-increasing threats and challenges.

**SECTION 2. AMENDMENT TO THE ERIE COUNTY CHARTER.**

Article 10 of the Erie County Charter is hereby amended to read as follows:

Establishing the Erie County Water Quality Commission.

**Legislative Declaration of Policy:** It is hereby declared to be the public policy of Erie County, New York, to create and maintain an Erie County Water Quality Commission to advise the government on water quality policy.

The Erie County Water Quality Commission shall be a bi-annual Commission of the Erie County government, and shall be administered by the Erie County Department of Environment and Planning.

**SECTION 3. FUNCTIONS OF THE COMMISSION.**

The initial Commission shall provide advice and recommendations, but not limited to the following:

- Focusing five (5) years out and composing a water quality plan for the County

- Compiling a list of priorities for our area waterways
- Providing guidance concerning pollutants affecting water quality
- Listing emerging threats including substances that negatively affect area water quality, and report on pollutants that should be banned
- Exploring the concept of a water quality fund and ways to secure funding for such a fund, as well as how best to pay for projects that protect water quality.

Upon the conclusion of its bi-annual work, the Commission shall provide a Report of its findings to be filed with the Clerk of the Erie County Legislature and reviewed by the Legislature's Energy & Environment Committee.

Subsequent Commissions shall review the Report filed with the Clerk of the Erie County Legislature by the previous Commission; outlining accomplishments, priorities and concerns expressed by the previous Commission, and shall determine what priorities shall next be under consideration for their term as members of the Erie County Water Quality Commission.

#### **SECTION 4. MEMBERSHIP.**

1. The Erie County Water Quality Commission shall be created consisting of nine (11) members.

The Commission's nine (11) members shall be appointed as follows:

- One Member shall be appointed by the membership of the Buffalo Niagara Waterkeeper;
- One Member shall be appointed by the membership of the Buffalo Chapter of the Citizens Campaign for the Environment;
- One Member shall be appointed by the Board of Directors of the Erie County Soil and Water Conservation Board;
- One Member shall be appointed by the State University of New York at Buffalo (UB), with wide-ranging expertise concerning the Great Lakes and water quality issues/ concerns;
- One Member shall be appointed by the SUNY College at Buffalo (Buffalo State), with wide-ranging expertise concerning the Great Lakes and water quality issues/concerns;
- One Member shall be appointed by Erie County Executive;
- One Member shall be appointed by the Majority Leader of the Erie County Legislature;
- One Member shall be appointed by the Minority Leader of the Erie County Legislature;
- One Member shall be appointed by the Commissioner of the Erie County Department of Environment & Planning.
- One member shall be appointed by the Erie County Health Department
- One member shall be appointed by the Buffalo Niagara Partnership

In the event that an appointing authority cannot select an individual to serve on the Commission, the Commissioner of the Department of Environment and Planning shall possess the authority to appoint a qualified person to the Commission in their place, providing that a good faith effort and reasonable amount of time has ensued in order for the original appointing authority to select an individual to serve on the Commission.

## 2. Qualifications of Members and Terms of Office.

- Commission members shall have wide-ranging expertise concerning the Great Lakes and water quality issues/concerns, and demonstrate a keen interest in water quality matters, and a willingness to serve the public in this capacity;
- Each Commission member shall be a resident of Erie County at the time of appointment and shall remain a resident of Erie County while holding a position as a member of the Commission;
- Members shall serve two year terms. No member may serve more than three (3) consecutive terms, including the completion of a term of another member. Those who have served three (3) consecutive terms may be eligible again after a two (2) year absence to serve on the Commission;
- Members of the Commission shall serve without compensation.

## 3. Selection of Commission Chair/Meetings.

The Erie County Water Quality Commission shall select among its membership a Chair to lead the Commission and preside over its meetings.

The initial meeting for each Commission shall be called by the Commissioner of the Department of Environment and Planning. The Commission shall schedule and conduct subsequent meetings as it determines, while also following the NYS Open Meetings Law and in accordance with Section 5, below.

The Commissioner of the Department of Environment and Planning shall distribute each Commission's Report, outlined in Section 2 above, to succeeding Commission members, and in a reasonable amount of time, to afford succeeding Commission members time to review the Report.

## **SECTION 5. STAFFING.**

The Commissioner of the Department of Environment and Planning shall choose amongst its staff one person to Clerk the Commission. Such staff member will communicate with members and the public through notice regarding meetings, agendas and items that are before the Commission, as well as publishing this information on the Department of Environment and Planning's website in a timely manner.

The Clerk will be responsible for taking the role, recording votes when they occur, and communicating with groups that members of the Commission request come before the Commission.

The Clerk will also be responsible for disseminating the minutes of meetings to Commission members, and working with the Chair to produce a Report to be filed with the Clerk of the Erie County Legislature and reviewed by the Legislature's Energy & Environment Committee.

#### **SECTION 6. EFFECTIVE DATE.**

This Local Law shall take effect on upon filing with the New York Secretary of State.

#### **SECTION 7. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**SPONSORED BY:**

**LEGISLATOR PATRICK B. BURKE**