

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 9-1 - 2017

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A LOCAL LAW amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to the adjustment of job qualifications for the Erie County Commissioner of Public Works.

SECTION 1. Legislative Findings

The Erie County Legislature hereby finds that, after a diligent search to fill the vacant position of Commissioner of Public Works, the Erie County Executive has been unable to identify a candidate who holds a degree in professional engineering and is otherwise qualified for the position. The Legislature further finds that the position of Commissioner of Public Works is largely a management position and that the duties and responsibilities of such position do not necessarily require licensure as a professional engineer. The Legislature further finds that there are, and will continue to be, multiple employees of the Department of Public Works who are required by civil service law to be licensed in professional engineering and that these employees will continue to perform those duties for the Department which require the holding of such license.

SECTION 2. Legislative Intent

The Legislature has considered all relevant information and input and does hereby determine that Article 11 Section 1101 of the Erie County Charter shall be amended to remove the requirement that the Commissioner of the Department of Public Works be a professional engineer licensed and registered by the state of New York.

SECTION 3. Amendment

Article 11 - Department of Public Works - Charter

Section 1101. Department of public works; commissioner; qualifications. There shall be a department of public works headed by a commissioner. He or she shall be appointed by the county executive, subject to confirmation by the county legislature and shall [be a professional engineer licensed and registered by the state of New York] have the responsibility for directing the operation of the Department of Public Works in all of its divisions. The Commissioner of

Additions to the Erie County Charter are reflected by underlining.
Deletions to the Erie County Charter are reflected by [brackets].

Public Works, along with his or her staff of professional engineers, is responsible for providing advice on all matters related to public works.

SECTION 4. Sunset

Section 3 of this Local Law which amends the Erie County Charter to remove the requirement that the Commissioner of Public Works hold a license in professional engineering shall be deemed automatically repealed and shall have no force or effect on or after December 31, 2017. After such repeal, Erie County Charter Section 1101 shall revert back to the form and provisions contained therein prior to the effective date of this Local Law.

SECTION 5. Incumbent Commissioner and Survival

Should the incumbent Commissioner of Public Works not hold a license in professional engineering at the time of repeal as contemplated above, he/she shall not be removed from such position on the sole basis that he/she no longer satisfies the requirements then contained in the Erie County Charter as reverted to after repeal. Notwithstanding the reversion, such individual shall be deemed to remain qualified to hold such position until a different Commissioner of Public Works is appointed pursuant to Erie County Charter Section 307. The provisions of this Section 5 shall survive the repeal contemplated in Section 4 above and will remain in full force and effect after such repeal date.

SECTION 6. Effective Date

This Local Law shall take effect upon filing with the 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.

Sponsor: Legislator Kevin Hardwick

Co-Sponsors: Legislator Savage

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