

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

LOCAL LAW INTRO. No. 9-1 -2019

LOCAL LAW No. _____ - 2019

Section 1. Title

This local law shall create the Road and Infrastructure Specialist Advisory Board.

Section 2. Intent

It is a finding of this body that the County of Erie County will greatly benefit from transparent public review of the work conducted to maintain, repair and construct the County's road and infrastructure.

It is also, the intent of this law to assist Erie County in drafting a master plan to guide the Department of Public Works to create a sustainable long-term plan for repair and upgrades to county infrastructure. Currently, Erie County does not have an active master plan encompassing road work across the county. The limited scope of current planning for Erie County roads and bridges has led to constant piecemeal repairs and facelifts that do not address underlying foundational issues ultimately wasting millions of dollars of tax payer funding.

The creation of a master plan will also allow for Erie County to work with utility providers across the county to limit the number of times a road must be torn up to install new utility lines.

Section 3. Membership

The Board shall be comprised of eleven (11) voting members all of whom shall have experience with construction or repair of public infrastructure or a background in engineering. The County Attorney, or his designee, shall serve as an ex-officio member of the Board to provide advice on any legal matters related to the operation of the Board.

The voting members shall be appointed by the Legislature as follows:

- One Member shall be recommended by the Majority Leader of the Erie County Legislature;
- One Member shall be recommended by the Minority Leader of the Erie County Legislature;

- Two (2) Members to be recommended by the Erie County Executive, one shall represent the Department of Public Works and one shall represent the Department of Budget and Management;
- One Member to be recommended by the Town Highway Superintendents Association of Erie County from the following municipalities ("North"): Grand Island, Tonawanda, Amherst, Clarence, and Newstead;
- One Member to be recommended by the Town Highway Superintendents Association of Erie County from the following towns ("Central"): Cheektowaga, Lancaster, Alden, West Seneca, Elma and Marilla;
- One Member to be recommended by the Town Highway Superintendents Association of Erie County from the following towns ("South"): Hamburg, Orchard Park, Aurora, Wales, Evans, Eden, Boston, Colden, Holland, Brant, North Collins, Concord, Sardinia and Collins;
- One Member to be recommended by the Western Branch of the New York Chapter of the American Public Works Association;
- One Member to be recommended by the Association of Erie County Governments from the following municipalities ("North"): Grand Island, Town of Tonawanda, Kenmore, Amherst, Williamsville, Clarence, Newstead, Akron, Cheektowaga, Sloan, Depew, Town of Lancaster, Village of Lancaster, Town of Alden, Village of Alden, Lackawanna, West Seneca, Elma and Marilla;
- One Member to be recommended by the Association of Erie County Governments from the following municipalities ("South"): Town of Hamburg, Village of Hamburg, Town of Orchard Park, Village of Orchard Park, Aurora, East Aurora, Wales, Evans, Angola, Eden, Boston, Colden, Holland, Brant, Farnham, Town of North Collins, Village of North Collins, Concord, Springville, Sardinia, Collins and Gowanda; and
- One Member to be recommended by the Greater Buffalo-Niagara Regional Transportation Council

All members shall be appointed to three (3) year terms and no appointee shall serve more than two (2) consecutive terms.

Section 4. Meetings & Bylaws

At the first meeting of the Advisory Board in each calendar year, the Board shall elect a member as chairperson, and another member as vice-chairperson. The chairperson and vice-chairperson shall serve in such positions for the duration of that year. The vice-chair shall serve in the absence of the chairperson and in such other capacity as may be designated by the chair person.

The advisory board shall set their own schedule for regular meetings, but must have a minimum of four (4) meetings per calendar year.

A majority of members shall constitute a quorum, and a majority of members present at any meeting shall be required to take action on any matter.

The Board shall also draft their own set of operating bylaws, which shall be approved by a majority vote of the entire membership. Amendments to the operating bylaws shall be offered only by majority vote of the entire membership.

Section 5. Master Plan

It shall be the responsibility of the Board, in the first year, to create a Master Plan to direct road and infrastructure work in Erie County. The Master Plan shall contain plans and proposals on every road in Erie County for at least the next five years. Information contained in the Master Plan shall include but not be limited to:

- A) Road work that needs to be complete, including at a minimum:
 - a. Candidates for complete reconstruction projects;
 - b. Candidates for Mill and Overlay;
 - c. Candidates for Oil and Chipping;
 - d. Candidates for transfer of roads out of county control;
 - e. Lane restriping;
 - f. Mowing;
 - g. Bridge repairs;

Section 6. Yearly Review and Advice

On a yearly basis the advisory board shall provide the Legislature, County Executive, and County Departments with an updated master plan and an additional report including any relevant information and advice regarding ongoing and needed maintenance for road and infrastructure projects countywide.

The Advisory Board shall conduct yearly review of the following information:

- A list of current road work expected to be completed in the current year and proposed road work to be completed in the following year. For the purposes of this law road work shall include, but not be limited by, the following:
 - Construction of new roads and complete repaving of existing roads;
 - Oil and Chipping;
 - Milling;
 - Lane restriping;
 - Mowing;
 - Bridge repairs; and
- Expected utility repairs or planned upgrades. For the purposes of this law, utilities shall include, but not by way of limitation, water, natural gas, sewage, electrical grid, and telecommunications;
- All road scoring information utilized by the Department of Public Works when making their decisions on which infrastructure projects to pursue in a given year;
- Expectations for operational funding for the current year for the Department of Public Works, including, but not limited to, actual salary expenses;
- All available capital project funding, this shall include capital funding on projects that have been completed, projects that are in process, and projects that have been bonded for but the work has not yet begun; and
- Any other information as requested by vote of the board.

Section 7. Other Powers and Duties

The Advisory Board may also recommend that the Chair of the Legislature, issue subpoenas to the Erie County Department of Public Works for any testimony or documents deemed necessary to review of the present year's road work or any other information needed to formulate a master plan for roads. Ultimate authority on whether or not to issue any subpoena shall rest solely with the Chair of the Legislature

Section 8. Staff Support

The Clerk of the Erie County Legislature shall provide support services to the Road and Infrastructure Advisory Board. For the purpose of compliance with this law such support

services shall include, taking roll, recording votes of the membership, and communicating with groups seeking to testify before the Advisory Board. The Clerk shall also be responsible for disseminating the minutes of the meetings of the Advisory Board and any reports produced by said board to the public.

All reports published by the Advisory Board shall be submitted by the Clerk to the Erie County Legislature for further review.

Section 9. Effective Date

This local law shall be effective upon filing with the Secretary of State.

Section 10. 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 its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor: Legislator Lorigo