

ERIE COUNTY LEGISLATURE  
SPECIAL SESSION  
MEETING NO. 2  
January 17, 2002

*ROLL CALL*

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*INVOCATION* - Mr. Greenan

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*PLEDGE OF ALLEGIANCE* - Mr. Swanick

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*MINUTES OF PREVIOUS MEETING*

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COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE:

2E-1	COUNTY EXECUTIVE	Extension of Erie County's Additional 1% Sales Tax Authority Home Rule Requests – Consideration and Adoption at Special Meeting Requested	
2E-2	CHAIRMAN DeBENEDETTI	Calling Special Meeting	RFP

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COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE:

2D-1	CLERK OF THE LEGISLATURE	Special Meeting Notice	RFP
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ADJOURNMENT:



OPEN

RECEIVED  
ERIE COUNTY LEGISLATURE

2002 JAN 11 P 2:09

# County of Erie

DEPARTMENT OF LAW

JOEL A. GIAMBRA  
COUNTY EXECUTIVE

SUSANNAH M. BOCHENEK  
FIRST ASST. COUNTY ATTORNEY  
ANDREW B. ISENBERG  
SECOND ASST. COUNTY ATTORNEY

FREDERICK A. WOLF  
COUNTY ATTORNEY

January 11, 2002

Honorable Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

Re: Extension of Erie County's Additional 1% Sales Tax Authority  
Home Rule Requests - Consideration and Adoption at Special Meeting Requested

Your Honorable Body:

The attached two (2) home rule request resolutions are respectfully submitted for consideration and adoption at a special meeting to be scheduled pursuant to the Legislature's rules.

An accompanying memorandum from my office explains that passage of the home rule request resolutions will evidence Erie County's desire that the Assembly and Senate promptly enact legislation, now-pending, so as to authorize the continued imposition by Erie County of the additional 1% sales and compensating use tax for the period March 1, 2002 to February 28, 2003.

Thank you, in advance, for your timely consideration and action on this matter. If your Honorable Body requires any further information, kindly contact the Division of Budget, Management and Finance, the County Attorney or my office and we will be happy to accommodate your requests.

Respectfully submitted,

JOEL A. GIAMBRA  
County Executive

JAG/ms  
Attachs.

2E-1

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 4 of the Laws of two thousand one, will expire on February twenty-eight, two thousand two, and

WHEREAS, the Erie County budget for two thousand two was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February twenty-eight, two thousand three, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of nearly one hundred eleven million dollars in the two thousand two Erie County budget, and

WHEREAS, Senate Bill No. S. 6040 and Assembly Bill No. A. 9577, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-eight, two thousand three;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 9577, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2002 through February 28, 2003 will result in a 2002 Erie County budget shortfall of nearly one hundred eleven million dollars and result in cessation of essential County services to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 4 of the Laws of two thousand one, will expire on February twenty-eight, two thousand two, and

WHEREAS, the Erie County budget for two thousand two was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February twenty-eight, two thousand three, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of nearly one hundred eleven million dollars in the two thousand two Erie County budget, and

WHEREAS, Senate Bill No. S. 6040 and Assembly Bill No. A. 9577, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-eight, two thousand three;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 6040, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2002 through February 28, 2003 will result in a 2002 Erie County budget shortfall of nearly one hundred eleven million dollars and result in cessation of essential County services to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

## ACCOMPANYING MEMORANDUM

**RE: EXTENSION OF ERIE COUNTY'S ADDITIONAL 1% SALES TAX AUTHORITY**

**A. Summary of Recommended Action**

It is recommended that the Erie County Legislature immediately take all steps necessary to ensure the prompt adoption of the attached Home Rule Request Resolutions asking that the Assembly and Senate enact legislation so as to authorize Erie County's continued the imposition of the additional 1% sales tax during the period March 1, 2002 through February 28, 2003.

**B. Fiscal Impact**

Positive.

**C. Reasons for Recommendation**

The adopted Erie County Budget for 2002 includes nearly \$111 million in anticipated revenue from the continuation of the additional 1% tax beyond February 28, 2002.

Continued imposition of the additional 1% sales tax remains necessary to assure Erie County's financial stability.

**D. Consequences of Negative Action**

The Erie County Budget for 2002 will be out of balance by nearly \$111 million.

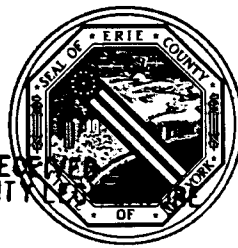
**E. Steps Following Approval of Measure**

Senior staff from the County Executive's Office, the Law Department and the Erie County Legislature will work with Erie County's legislative delegation in Albany, as well as the Governor's Office, to ensure that the pending State authorizing legislation is enacted and signed into law in a timely fashion.

Immediately thereafter, the Erie County Legislature will be asked to promptly adopt an amendment of the Erie County Sales and Compensating Use Tax Resolution whereby Erie County will continue the imposition of the additional 1% sales tax during the period March 1, 2002 through February 28, 2003.

# ERIE COUNTY LEGISLATURE

ALBERT DeBENEDETTI  
CHAIRMAN  
6<sup>th</sup> DISTRICT



RECEIVED  
ERIE COUNTY

2002 JAN 11 P 2:25

RFP

25 Delaware Avenue – 7<sup>th</sup> Floor  
Buffalo, New York 14202  
(716) 858-8840 Fax: 858-8818

155 Lawn Avenue – Room 209  
Buffalo, New York 14207  
(716) 874-3257 Fax: 874-4779

January 11, 2002

Laurie A. Manzella, Clerk  
Erie County Legislature  
25 Delaware Avenue – 7<sup>th</sup> Floor  
Buffalo, New York 14202

Dear Ms. Manzella:

Pursuant to Rule 2 of the *RULES OF ORDER* of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on **THURSDAY, JANUARY 17, 2002, AT TWELVE O'CLOCK** in the afternoon of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7<sup>th</sup> Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

- A communication from the County Executive regarding the *EXTENSION OF ERIE COUNTY'S ADDITIONAL 1% SALES TAX AUTHORITY – HOME RULE REQUESTS – CONSIDERATION AND ADOPTION AT SPECIAL MEETING REQUESTED.*

Sincerely,

ALBERT DeBENEDETTI  
Chairman  
Erie County Legislature

2E-2

RFP

**ERIE COUNTY LEGISLATURE**

**LAURIE A. MANZELLA**  
CLERK



RECEIVED  
ERIE COUNTY LEGISLATURE  
25 Delaware Avenue  
Buffalo, New York 14202  
2002 JAN 11 P 2:19  
(716) 858-7500  
FAX (716) 858-8895

January 11, 2002

To: All Erie County Legislators  
From: Laurie A. Manzella, Clerk of the Legislature  
Subject: **SPECIAL MEETING NOTICE**

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**PLEASE TAKE NOTICE** that pursuant to Rule 2 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairman Albert DeBenedetti, there will be a **SPECIAL MEETING** of the Erie County Legislature on **THURSDAY, JANUARY 17, 2002, at twelve o'clock in the afternoon** of that day in the Erie County Legislative Chambers, 25 Delaware Avenue, 7<sup>th</sup> Floor, Buffalo, New York.

The purpose of this meeting will be to consider and act upon the following:

- A communication from the County Executive regarding the *EXTENSION OF ERIE COUNTY'S ADDITIONAL 1% SALES TAX AUTHORITY – HOME RULE REQUESTS – CONSIDERATION AND ADOPTION AT SPECIAL MEETING REQUESTED*. A copy of this communication is attached.

Thank you.

ATTACHMENTS – 2

2 D - 1