

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR SAVAGE**

**RE: Require the County Attorney to Approve as to Legal Form Local Laws Prior to Adoption**

WHEREAS, under New York Municipal Home Rule Law, Articles 2 and 3, local governments are empowered to adopt and amend local laws, and the Erie County Charter further details, in Sections 203 – 208, “Local laws; definition; power to adopt, amend and repeal; effect on legislative acts,” the procedure for the adoption of local laws in Erie County (Section 205); and

WHEREAS, the goal of this Legislature is to effectively and efficiently adopt local laws seamlessly, appropriately and without misunderstanding; and

WHEREAS, recently technical and other legal issues have arisen after the introduction of various local laws and in some instances following the passage thereof; and

WHEREAS, prior approval as to form by the County Attorney’s office may provide significant benefit to the Legislature in terms of statutory language construction and the identification of legal issues and/or potential impediments such as compliance with Municipal Home Rule Law and other applicable law, as well as whether the subject matter is substantially regulated by State and/or Federal Law; and

WHEREAS, currently the County Attorney approves, as to form, a wide range of legal documents, some of which include County bonding authorizations, important inter-municipal agreements, contracts/leases, and union bargaining agreements, and although the County Attorney reviews local laws prior to being signed into law, generally this occurs after adoption by the Legislature; and

WHEREAS, the County Attorney’s review and approval shall be limited to legal form and compliance issues not policy considerations; and

WHEREAS, the adoption of this requirement represents a common sense public policy reform for Erie County government.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature goes on record supporting the requirement that all local law proposals be reviewed and approved “as to form” by the County Attorney prior to passage, and that the County Attorney shall certify to the best of its knowledge upon a good faith review, that:

- a) The proposed local law meets the requirements and is in compliance with all applicable law including but not limited to Municipal Home Rule Law and the County Charter,
- b) The proposed local law is not preempted by Federal or State Law, nor does it improperly regulate subject matter substantially regulated by State or Federal Law,
- c) The proposed local law is in proper legal form and is drafted in a clear manner that can be effectively implemented and enforced; and be it further

RESOLVED, that the County Attorney shall be invited to a future meeting of the appropriate Legislature committee to discuss this proposal in order to implement this requirement in the most efficient manner, which may include the adoption of a local law and/or amending the Erie County Charter to include this new requirement; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward certified copies of this resolution to the County Executive, County Attorney, and the membership of the Citizens' Charter Review Commission for their review and comment.

FISCAL IMPACT: None for Resolution.