

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

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The Legislature was called to order by Chairperson Marinelli.

All members present.

A moment of silence was held.

The Pledge of Allegiance was led by Legislator Mills.

Item 1 – CHAIRMAN MARINELLI directed that COMM. 5M-9 be Received, Filed and Printed.

GRANTED.

# Erie County Charter and Erie County Administrative Code

*Being Erie County Local Law No. 1-1959 together with all amendments to January 1, 2007, and Erie County Local Law No. 1-1960 together with all amendments to November 1, 2005 inclusive, incorporated therein.*

The Erie County Charter is the governing law of the County of Erie. It sets out the form of County government and the powers and duties of the County's officers.

The Erie County Administrative Code sets out the details of government under the County Charter.

The Erie County Charter consists of Article 1 through Article 31~~21~~. The accompanying document, the Erie County Administrative Code, consists of Article 1 through Article 20 and contains largely identical numbering and headings.

Article 1	Erie County and its Government	<a href="#">Charter</a>	
Article 1	Short Title; Effect; Definitions		<a href="#">Code</a>
Article 2	Legislative Branch	<a href="#">Charter</a>	<a href="#">Code</a>
Article 3	Executive Branch	<a href="#">Charter</a>	<a href="#">Code</a>
Article 4	Department of Finance	<a href="#">Charter</a>	<a href="#">Code</a>
Article 5	Department of Health	<a href="#">Charter</a>	<a href="#">Code</a>
Article 6	Department of Law	<a href="#">Charter</a>	<a href="#">Code</a> —
<a href="#">Article 7</a>	Department of Labor Relations		
Article 8 <del>7</del>	Department of Parks, <del>and</del> Recreation and Forestry		<a href="#">Charter</a>
	<a href="#">Code</a>		
Article 8 <del>9</del>	Department of Personnel	<a href="#">Charter</a>	<a href="#">Code</a>
Article 9 <del>10</del>	Department of Environment and Planning	<a href="#">Charter</a>	<a href="#">Code</a>
Article 11 <del>10</del>	Department of Public Works	<a href="#">Charter</a>	<a href="#">Code</a>
Article 12 <del>11</del>	Department of Social Welfare	<a href="#">Charter</a>	<a href="#">Code</a>
<del>Article 11-A</del>	<del>Department of Public Safety</del>	<del><a href="#">Charter</a></del>	<del><a href="#">Code</a></del>
Article 13 <del>11-B</del>	Department of Mental Health	<a href="#">Charter</a>	<a href="#">Code</a>
Article 14 <del>11-C</del>	Department of Emergency Services	<a href="#">Charter</a>	<a href="#">Code</a>
Article 15 <del>11-D</del>	Department of Central Police Services	<a href="#">Charter</a>	<a href="#">Code</a>
Article 16 <del>11-E</del>	Department of Senior Services	<a href="#">Charter</a>	<a href="#">Code</a>
Article 17 <del>11-F*</del>	Department of Youth Services	<a href="#">Charter</a>	<a href="#">Code</a>
Article 18 <del>11-F*</del>	Office of Public Advocacy <del>Office for the Disabled</del>		<a href="#">Charter</a>
	<a href="#">Code</a>		
Article 19 <del>12</del>	Comptroller	<a href="#">Charter</a>	<a href="#">Code</a>
Article 20 <del>13</del>	County Clerk	<a href="#">Charter</a>	<a href="#">Code</a>
Article 21 <del>14</del>	District Attorney	<a href="#">Charter</a>	<a href="#">Code</a>
Article 22 <del>15</del>	Sheriff	<a href="#">Charter</a>	<a href="#">Code</a>

Article 23 <del>16</del>	Other County Boards, Offices, Institutions and Functions	<a href="#">Charter</a>	<a href="#">Code</a>
Article 23 <del>16</del> -A	Environmental Management Council	Erie County	
		<a href="#">Charter</a>	
<del>Article 16-B</del>	<del>Erie County Consumer Protection Committee</del>	<del><a href="#">Charter</a></del>	
<del>Article 16-C</del>	<del>Erie County Citizens Committee on Rape and Sexual Assault</del>	<del><a href="#">Charter</a></del>	
<del>Article 16-D</del>	<del>Art and Culture in Public Places Board</del>	<del><a href="#">Charter</a></del>	
Article 23-B <del>16</del> -E*	Review Commission	Citizens Salary	
		<a href="#">Charter</a>	
<del>Article 16-E*</del>	<del>Erie County Commission on the Status of Women</del>	<del><a href="#">Charter</a></del>	
Article 23-C <del>16</del> -F	Community Coordinating Council on Children and Families	Erie County	
		<a href="#">Charter</a>	
<a href="#">Article 24</a>	Autonomous Institutions		
Article 25 <del>17</del>	Service Relationships with Local Municipalities	<a href="#">Charter</a>	<a href="#">Code</a>
<del>Article 17-A</del>	<del>Narcotics Control</del>	<del><a href="#">Charter</a></del>	
Article 26 <del>18</del>	Financial Procedures	<a href="#">Charter</a>	<a href="#">Code</a>
Article 27 <del>19</del>	General Provisions	<a href="#">Charter</a>	<a href="#">Code</a>
Article 28 <del>20</del>	Code Application, Amendment and Construction		<a href="#">Code</a>
Article 28 <del>20</del>	Application of Charter; When and How Operative and Effective	<a href="#">Charter</a>	
Article 29 <del>21</del>	Sunset Provision	<a href="#">Charter</a>	
<a href="#">Article 30</a>	<a href="#">Renumbered Articles</a>		
<a href="#">Article 31</a>	<a href="#">Repealed Articles</a>		

## Erie County Charter

### ARTICLE 1 ERIE COUNTY AND ITS GOVERNMENT

Section	101.	Title and purpose.
	102.	County status, powers and duties.
	103.	Charter effect on state laws.
	104.	Charter effect on local laws and resolutions.
	105.	Legislative districts.
	106.	Legislative districts continued.

Section 101. Title and purpose. This charter and all amendments hereto shall constitute the form of government for the county of Erie and shall be known and cited as the “Erie county charter.” Among the purposes of this charter are the accomplishment of greater economic efficiency, ~~economy~~ and responsibility in county government; the securing of all possible county home rule; the review of

mandates as provided for by state law; the coordination of planning and economic development; the encouragement of inter-governmental cooperation among the cities, towns, villages throughout the County; and the separation of county legislative and executive functions.  
Amended by Local Law No. 3-2006.

Section 102. County status, powers and duties. The county of Erie shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter or by the applicable law.

Section 103. Charter effect on state laws. Within the limits prescribed in the New York state municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter, such law shall be deemed to the extent of such inconsistency to be superceded by this charter insofar as the county of Erie and its government are affected.  
Amended by Local Law No. 7-1974.

Section 104. Charter effect on local laws and resolutions. Except to the extent inconsistent with this charter, all existing laws and resolutions heretofore adopted by the county legislature of the county shall continue in force until amended, superceded or repealed as provided herein.

Section 105. Legislative Districts. The county of Erie is hereby divided into ~~seventeen~~ fifteen districts, described as follows:

### **DISTRICT NO. 1**

Bounded on the west by Lake Erie, being part of the Town of Hamburg except the south part which is in Legislative District 12; all of the City of Lackawanna; and the southwest part of the City of Buffalo contiguous to Legislative Districts 6, 3, and 2; and except Legislative Districts 7 and 11.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly

along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie-Lackawanna Railroad; thence southwesterly along the centerline of the Erie-Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tiff Street; thence northeasterly along the centerline of Tiff Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its

intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

## **DISTRICT NO. 2**

The south part of the City of Buffalo and the south west part of the Town of Cheektowaga bounded on the west by Legislative District 1, on the north by Legislative Districts 3 and 8, on the east by Legislative District 8, Legislative District 9 and the Town of West Seneca and on the south by Legislative District 1 and the Town of West Seneca.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie-Lackawanna Railroad; thence southwesterly along the centerline of the Erie-Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence

southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tifft Street; thence northeasterly along the centerline of Tifft Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca.

The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwesterly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the

meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

### **DISTRICT NO. 3**

Part of the City of Buffalo bounded on the east by Cheektowaga and Legislative District 1; on the north by Legislative Districts 7 and 6; on the west by Legislative Districts 6 and 1; and on the south by Legislative Districts 1 and 2.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the

centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline

of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

#### **DISTRICT NO. 4**

All of the Towns of Newstead, Clarence, Amherst, and Cheektowaga, excepting therefrom those portions of the Town of Amherst and the Town of Cheektowaga which lie within Legislative Districts 2, 8, 9, 14 and 15, which exceptions are the westerly portion of the Town of Amherst and the south and west portions of the Town of Cheektowaga.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road; thence northerly along the centerline of the Thruway and the centerline

extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

#### **DISTRICT NO. 5**

The Towns of Sardinia, Holland, Wales, Marilla, Alden, Elma, and Lancaster, excepting therefrom that portion of the Town of Lancaster which lies within District 8, adjacent to Transit Road.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of

Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

#### **DISTRICT NO. 6**

The north west part of the City of Buffalo, bounded on the north by the Town of Tonawanda; on the east by Legislative Districts 11, 7, and 3; on the south by Legislative District 1; not including Legislative District 2.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary between Legislative District 6 and Legislative District 7 is

described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

#### **DISTRICT NO. 7**

The north east corner of the City of Buffalo bounded on the north by the Town of Amherst and Legislative District 11; on the east by the Town of Cheektowaga; on the south by Legislative District 3; and on the west by Legislative Districts 6 and 11.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie-Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie-Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of

Claremont Street.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwestly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwestly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

### **DISTRICT NO. 8**

Part of the Towns of Cheektowaga and Lancaster; bounded on the west by the City of Buffalo; on the north by Legislative Districts 14 and 4; on east by Legislative District 5; and on the south by Legislative Districts 9 and 2.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands;

thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the center line of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwesterly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

#### **DISTRICT NO. 9**

All of the Town of West Seneca and the south part of the Town of Cheektowaga; excepting from the Town of Cheektowaga Legislative Districts 2, 8, 14, and 4.

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in

a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

#### **DISTRICT NO. 10**

All of the Town of Grand Island; all of the City of Tonawanda; and part of the Town of Tonawanda, excepting from the Town of Tonawanda Legislative Districts 11 and 14.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwestly along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

### **DISTRICT NO. 11**

Part of the Town of Tonawanda; excepting Legislative Districts 10 and 14; and part of the City of Buffalo bordered by Legislative Districts 6 and 7; and excepting Legislative Districts 1, 2, and 3.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwestwardly along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence

easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie-Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie-Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

## **DISTRICT NO. 12**

All of the Towns of Brant, North Collins, Boston, Eden, Evans, and Hamburg, except the northerly portion of the Town of Hamburg which lies in Legislative District 1.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

## **DISTRICT NO. 13**

All of the Towns of Orchard Park, Aurora, Colden, Concord and Collins.

## **DISTRICT NO. 14**

Part of the Town of Tonawanda except Legislative Districts 10 and 11; part of the Town of Amherst except Legislative Districts 15 and 4; and part of the Town of Cheektowaga except Legislative Districts 4, 8, 9, and 2.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its

intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and

easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road projected to the west; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

### **DISTRICT NO. 15**

The Town of Amherst except Legislative Districts 14 and 4.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the

centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

—Section 105 Amended by Local Law No. 3-2006.

Section 105 Amended by Local Law No. 4-2002.

Section 105 Amended by Local Law No. 2-1991.

Section 105 Amended by Local Law No. 3-1981.

Section 105 Amended by Local Law No. 6-1971.

Section 105 Amended by Local Law No. 1-1967.

Section 106. Legislative Districts, continued. The seventeen legislative districts as previously bounded and described by Local Law No. 2-1991, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, 2004. For the purpose of the general election of 2003 and all other purposes, except as herein before provided, the county of Erie is divided into fifteen districts, described as contained in section one hundred five herein.

Article 1 was formerly numbered Article I.

## **ARTICLE 2H**

### **LEGISLATIVE BRANCH**

Section	201.	County legislature constituted.
	202.	Powers and duties.
	202.1	Qualifications and eligibility of county legislators.

- 202.2 Elections and terms of office.
- 202.3 Increasing the salaries of county elected officials.
- 203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts.
- 204. Form and procedure.
- 205. Procedure for adoption of local laws.
- 206. Filing and publication of local laws; judicial notice.
- 207. Referendum.
- 208. Effective date.
- 209. Ordinances.
- 210. Advisory committee on reapportionment.
- 211. Approval of independent auditors.

Section 201. County legislature constituted. ~~Until December 31, 2003, the county legislature shall be composed of seventeen members who shall be elected one from each of the seventeen legislative districts set forth in section one hundred five of Local Law 2-1991. Effective January 1, 2004, the~~ The county legislature shall be composed of fifteen members who shall be elected one from each of the fifteen legislative districts set forth in section one hundred five hereof. The county legislators representing the ~~seventeen or~~ fifteen districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 4-2002.

Amended by Local Law No. 1-1967.

Amended by Local Law No. 1-1966.

~~Amended by Local Law No. 4-2002.~~

Section 202. Powers and duties. Except as otherwise provided in this charter, the county legislature shall have and exercise all powers and duties of the county, all powers and duties heretofore or hereafter conferred or imposed on said county legislature or other county legislative body by applicable law, and all powers necessarily incidental thereto. All provisions of applicable law wherein powers and duties are conferred upon the legislative body of a county of the state of New York shall be construed to refer to the county legislature of Erie county.

The county legislature shall have, but not by way of limitation, the following powers and duties:

- a. To make appropriations, levy taxes and incur indebtedness.
- b. To exercise all powers of local legislation in relation to enacting, amending, repealing or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the county

executive in such instances as are specifically provided in this charter.  
Amended by Local Law No. 10-1974.

c. By local law to adopt, amend and repeal an administrative code which shall set forth the details of administration of the county government in harmony with the provisions of this charter and may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter.

d. By local law to create, alter, combine or abolish county administrative units not headed by elective officers.

e. To adopt by resolution all necessary rules and regulations for its conduct and procedure.

f. To fix the compensation of all officers and employees paid from county funds, except members of the judiciary.

g. To fix the amount of bonds of officers and employees paid from county funds.

h. To make such studies and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence, deemed necessary or material to the study or inquiry.

i. To determine and make provision for any matter of county government not otherwise provided for, including any matter involved in the transition to this charter form of government.

j. To award contracts submitted to it for approval on bids or otherwise and to determine whether acceptance of any bid or award of any proposed contract will best promote the public interest. In the awarding of contracts, the first consideration shall be given to the best promotion of the public interest.

Subsection j. Added by Local Law No. 7-1978.

k. To confirm each appointment of the county executive of heads of every department, division or other administrative unit not administered by another elective official, pursuant to Article III of this Charter.

Subsection k. Added by Local Law No. 3-2006.

Section 202 Amended by Local Law No. 1-1967.

Section 202.1. Qualifications and eligibility of county legislators. At the time of nomination or appointment and throughout the term of office, each county legislator shall be a duly qualified elector of the legislative district from which ~~he~~he or she is elected. A county legislator shall not hold any other salaried elective public office during ~~his~~his or her tenure. Where a vacancy in an appointive county office takes place and the right to fill said vacancy is vested in the county executive, subject to confirmation by the county legislature, or the power of appointment is vested in the county legislature, a person, otherwise qualified, who is a member of the county legislature at the time the vacancy occurs may be appointed to fill the vacancy provided ~~he~~he or she shall have resigned prior to such appointment.

Amended by Local Law No. 7-1971

1971 Local Laws of Cities, Counties, Towns and Villages.

Added by Local Law No. 1-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years.

Added by Local Law No. 1-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Section 202.3. Increasing the salaries of county elected officials. The Erie county legislature is hereby prohibited from changing the salary of any county elected official, excluding the district attorney, except in accordance with the following procedure:

a. Prior to acting upon the citizens salary review commission's biennial report, the county legislature shall hold at least one public hearing to solicit public input on said commission's recommendations.

b. Notices of all such public hearings shall be published at least once in the official newspaper or newspapers of the county and in such other newspapers as the county legislature may direct. At least five days but not more than ten days shall elapse between the first publication of such notice and the date specified for the hearing.

c. The county legislature shall have one year from the date said recommendations are submitted to adopt, modify, or reject the recommendations of the citizens salary review commission.

d. Any salaries approved by the county legislature in excess of those recommended by the citizens salary review commission shall be approved by a vote of at least two-thirds of all the members of the county legislature.

e. The county legislature shall specifically establish the effective date of any adjustments in the salaries of elected county officials. No increase in the salary of an elected official shall be permitted for any fiscal year in which there is an increase in the real property tax levy over the tax levy of the previous fiscal year.

Amended by Local Law No. 1-1992.

f. The county legislature's review of salaries as set forth above shall occur during every even year starting with nineteen hundred eighty-six.

Section 202.4 The Legislature shall name an open meetings advisor from among its members to advise the body on compliance with New York State Open Meetings and Freedom of Information laws.

Section 202.4 added by Local Law No. 3-2006.

Amended by Local Law No. 1-1988.

Added by Local Law No. 6-1986.

Section 203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts. A local law is a law adopted pursuant to this charter within the power to do so granted by the constitution, any act of the legislature or provision of this charter. This term shall not include are solution, ordinance or legalizing act.

The county may adopt, amend and repeal a local law. A local law may relate to the property, affairs or government of the county or any other subject matter of county concern. In the exercise

of such power the county may change, superseded or amend any act of the legislature. Such power shall include but not be limited to whatever power is vested in any county in the state of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charters, administrative codes, special acts or local laws.

Section 204. Form and procedure. Every local law shall be entitled "A local law" (amending etcetera or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

a. The Legislature shall hold a public hearing 5-days before a local law, that is not certified as to the necessity of its immediate passage, can be put to a vote; acceptable public notice for this type of public hearing includes posting a notice on the county's official website and distribution of the notice to local media outlets.  
Subsection a. Amended by Local Law No. 3-2006.

Except as otherwise provided in this charter the procedure for the adoption of a local law including referendum, mandatory or permissive, shall be as provided in the administrative code and in the absence thereof by applicable law.  
Amended by Local Law No. 3-2006.

Section 205. Procedure for adoption of local laws. Every local law adopted by the county legislature shall be certified by the clerk thereof after its adoption by such body and shall be presented to the county executive for approval by him. No local law shall be approved by the county executive until a public hearing thereon has been held before him. This hearing shall be held on public notice of at least five days, such notice to be given by the county executive within ten days after the local law shall have been presented to him, and the hearing shall be held within twenty days after such presentation. If the county executive approves the local law, ~~he~~ or she shall sign it and return it to the clerk of the county legislature. If ~~he~~ or she disapproves it ~~he~~ or she shall return it to the clerk with ~~his~~ his or her objections stated in writing, and the clerk shall present the law with such objections to the county legislature at its next regular meeting. Such objections shall be entered in the legislature's record of proceedings. The county legislature within thirty days thereafter may reconsider the local law. If after the reconsideration such local law is repassed by a vote of at least two-thirds of the total voting power of the county legislature, it shall be deemed adopted, notwithstanding the objections of the county executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record of proceedings. If within thirty days after a local law shall have been presented to him the county executive shall neither approve it nor return it to the clerk with ~~his~~ his or her objections, the local law shall be deemed to be adopted in like manner as if ~~he~~ or she had signed it. At any time prior to the approval of a local law or to its return by the county executive, the county legislature may recall the same and reconsider its action thereon.

NEW section 205 Added by Local Law No. 8-1974.

Former section 205 **REPEALED** by Local Law No. 8-1974.

Section 206. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be provided by section three hundred six of the county law, and the courts shall take judicial notice of all local laws, and of rules and regulations adopted pursuant thereto.

Section 207. Referendum. A local law shall be subject to mandatory or permissive referendum when required by this charter, the administrative code or applicable law. Where no mandatory or permissive referendum is so required, the county legislature may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

Section 208. Effective date. After adoption, every local law shall become effective when filed in the office of the secretary of state or on such later date as in said local law provided.

Section 209. Ordinances. Ordinances may be adopted by the county legislature subject to veto by the county executive. The procedure shall be the same as herein provided for the adoption of local laws except that an ordinance shall not be subject to referendum, mandatory or permissive. An ordinance may provide for any subject matter of county concern not required to be provided by local law, legalizing act or resolution of the county legislature.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine and imprisonment or by two or more such penalties or punishments.

Ordinances, and their application, particular subjects and form may be as further provided in the administrative code.

Section 210. Advisory committee on reapportionment. During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the county legislature on whether and how the county legislature should be reapportioned consistent with federal and state law. During the first two months the chairman of the county legislature shall give public notice of the intent to create such an advisory committee and shall invite interested persons and groups to inform the county legislature of their availability to serve on such an advisory committee. The county legislature shall appoint the advisory committee consisting of fifteen members, as follows: the chairman of the county legislature or his or her designee, the majority and minority leaders of the legislature or their designees, the commissioners of the board of elections or their designees, and ten residents of Erie county representing interested community groups, five of whom shall be appointed by the majority leader and five of whom shall be appointed by the minority leader. The chairman of the advisory committee shall be appointed by the chairman of the legislature. The advisory committee shall submit its final report to the county legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie county, whichever is later. At any time prior to the expiration of this term, the county legislature may extend such term once, for a period not to exceed thirty days.  
Amended by Local Law No. 7-1981.

Section 211. Approval of independent auditors. Upon reviewing the results of the audit

committee's evaluation of all audit report and management letter proposals which have been certified by certified public accounting firms and said committee's recommendations for the award of audit report and management letter contracts, the county Legislature shall by a majority vote enact a resolution specifying the name(s) of the certified public accounting firm(s) it has selected to prepare annual audit reports and accompanying management letters for the county of Erie and S.U.N.Y. at Erie Community College, the Erie county medical center and the home and infirmary. Section 211 amended by Local Law No. 3-2006.

Amended by Local Law No. 5-1985.

Article 2 was formerly numbered Article II.

### **ARTICLE 3**

#### **EXECUTIVE BRANCH**

Section	301.	The county executive; election; term; qualifications.
	302.	Powers and duties.
	303.	Removal of the county executive.
	304.	Deputy county executive; how designated; when to act.
	305.	Division of budget and management.
	306.	Division of purchase; purchasing act Repealed.
	307.	Administrative heads; term; interim appointment; appointment of other officers and employees.
	308.	Confirmation by county legislature.
	309.	Powers of deputy county executive.
	310.	Division of information and support services.

Section 301. The county executive; election; term; qualifications. The executive branch of county government shall be administered by the county executive who shall be elected from the county at large. ~~His~~His or her term of office shall begin with the first day of January next following ~~his~~his or her election and shall be for four years, except that the term of the county executive elected in nineteen hundred sixty shall be for three years. At the time of ~~his~~his or her election and throughout ~~his~~his or her term of office ~~he~~he or she shall be a qualified elector of the county. ~~He~~He or she shall devote ~~his~~his or her whole time to the duties of ~~his~~his or her office and shall hold no other public office, except as provided in section three hundred seven hereof.

Section 302. Powers and duties. The county executive, in addition to any other powers and duties provided by this charter shall:

- a. Be the chief executive officer and administrative head of the county government.
- b. Except as otherwise provided in this charter, and subject to confirmation where so provided, appoint to serve during ~~his~~his or her pleasure the head of every department and other administrative unit of the county and the officers and employees in ~~his~~his or her own office.
- c. Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which ~~he~~he or she has power to appoint.
- d. Be the chief budget officer of the county.
- e. Determine and fix real property tax equalization rates among the various taxing districts of the county for county purposes and file the same with the county legislature on or before the first day of November in each year.
- f. Have authority to appoint and terminate one or more temporary advisory boards of citizens of the county who shall, without compensation other than such necessary expenses as may be provided in the budget, assist in the consideration of county administrative policies and programs.
- g. Annually designate one or more depositories located within the county for the deposit of all moneys received by the commissioner of finance.
- h. Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings.
- i. Report to the county legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, the activities of the several administrative units of the county during the preceding fiscal year in such detail as the county legislature shall direct.
- j. Appoint a member of the county legislature to serve as chairman of such legislature (1) for the remainder of the calendar year in case the county legislature has failed to select a chairman on or before February first, or (2) for the unexpired term of the previous chairman in case the county legislature has failed to select a chairman within thirty days after a vacancy has occurred in the office of the chairman.
- k. Perform such other duties and have such other powers as may be prescribed for him by law, administrative code, county ordinance or resolution.
- l. In addition to the powers set forth in this charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this charter.
- m. Have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.
- n. Subject to section nineteen hundred two, section eighteen hundred thirteen and section two hundred eleven of this charter, contract with a firm of certified public accountants to perform an annual independent audit of county financial accounts to be completed and delivered to the county legislature within five months after the end of each fiscal year.  
Amended by Local Law No. 5-1985.  
Amended by Local Law No. 1-1982.
- o. Determine annually the amount of capital borrowings required to fund capital projects which were approved by the legislature in the current or prior year budgets.  
Added by Local Law No. 8-1988.
- p. Provide the comptroller by February fifteenth, or as soon as possible, thereafter, of each year with a listing of the capital projects the county plans to initiate during the fiscal year. Said

listing shall describe each project, start-up date, and the annual cash requirements until completion. Changes to this listing are to be provided throughout the fiscal year, as required.  
Added by Local Law No. 8-1988.

q. Periodically advise the comptroller of short-term borrowing needs due to requirements that the comptroller may not be aware of.  
Added by Local Law No. 8-1988.

r. After preparation by comptroller, approve as to content all official statements necessary for the county to issue bonds or notes.  
Added by Local Law No. 8-1988.

s. Not be an officer, director, or stockholder of any depository or depositories designated by him pursuant to this section.

t. Have authority to appoint, subject to confirmation by the county legislature, and county officer to be the county's records management officer. The county records management officer, who shall serve at the pleasure of the county executive, shall operate a records management system for the orderly and efficient management of all county records, including the provision of storage and retrieval services with respect to such records in any form, requiring either the retention of the contents or the actual preservations of such records, the identification and appropriate administration of county records deemed by him to have enduring value for historical or other research, and the coordination of the legal disposition of county records, including those which are obsolete. All county departments shall be required to avail themselves of said system.

Subsection s. Added by Local Law No. 8-1988.

Section 302 Amended by Local Law No. 8-1988.

Amended by Local Law No.7-2003.

Section 303. Removal of the county executive. The county executive may be removed by the governor in the manner provided in the public officers law for the removal of other county officers.

Section 304. Deputy county executive; how designated; when to act. The deputy county executive shall be first in the order of succession and shall perform the duties of the county executive during the latter's absence. The county executive shall designate in writing one or more appointive department or executive division heads, to perform the duties of the county executive during the absence of the county executive and the deputy county executive. Such appointment, with order of succession specified, shall be filed with the clerk of the legislature. Any such designation may be revoked by the county executive at any time by filing a notice of revocation with the clerk of the legislature. If a vacancy occurs in the office of the county executive, the deputy county executive shall serve until the vacancy is filled pursuant to this charter.

In the event that no deputy county executive has been appointed or is able to serve, the legislature shall designate an appointive department or executive division head to perform the duties of the office during the inability of the county executive to perform by reason of absence from the county or disability.

Amended by Local Law No. 1-1971.

Section 305. Division of budget and management. There shall be in the office of the county executive a division of budget and management headed by a director of budget and management who shall be appointed by and will serve at the pleasure of the county executive. The director of budget and management shall assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller. The director of budget and management shall report to the county executive on the implementation of such audit recommendations and ~~his~~his or her actions pertaining to efficiency and productivity monitoring.

All reference contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

Amended by Local Law No. 2-2005.

Amended by Local Law No. 4-1985.

Amended by Local Law No. 3-1979.

Section 306. Division of purchase; purchasing act repealed. There shall be in the office of the county executive a division of purchase, headed by a purchasing director who shall be appointed by and serve at the pleasure of the county executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years professional training in the area of purchasing, or shall possess a combination of said requirements totalling at least five years. The purchasing director shall, in accordance with requirements as to advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the county, except as otherwise provided in this charter or the administrative code. ~~He~~He or she shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to the availability of funds. The Erie county purchasing act, being chapter one hundred sixty-seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Amended by Local Law No. 5-1980.

Section 307. Administrative heads; term; interim appointment; appointment of other officers and employees. Except as otherwise provided in this charter, the county executive shall appoint, to serve during his or her pleasure or for such term as may be specified in this charter, the head of every department, division or other administrative unit not administered by another elective official. The appointment by the county executive of the head of each department, division or other administrative unit including the ~~executive~~ executive division, shall be subject to confirmation by the county Legislature. The county executive may appoint one head for two or more departments, divisions or other administrative units, subject to all requirements as to qualifications and confirmation, or may himself so serve without such confirmation.

All appointments shall be in writing, signed by the county executive and filed in the office of the clerk of the county Legislature within ten days after the date of appointment. No such appointee shall hold office beyond the term of the county executive by whom the appointment was made, except as otherwise specified in this charter or applicable law, and except that unless removed the appointee ~~he~~ shall continue to serve until the ~~his~~ successor is appointed and has qualified or until an interim appointment is made. All holdover appointments shall require reconfirmation by the Legislature. In the event the Legislature has neither reconfirmed nor rejected a holdover appointment within a period of thirty days after commencement of the term of the subsequently-elected county executive, such appointment shall be deemed to be reconfirmed.

Upon confirmation by the county Legislature and qualifying for the office, an appointee to the position of head of a department or other administrative unit shall enter upon the duties thereof. In the event the county Legislature has neither confirmed nor rejected an appointment within a period of thirty days after the filing thereof with the clerk of the board, such appointment shall be deemed to be confirmed. Awaiting action by the county Legislature the county executive may designate a qualified person to serve as such head for a period not to exceed thirty days in any calendar year.

All other officers and employees of each department or other administrative unit shall be appointed by the head thereof.

Amended by Local Law No. 3-2006.

Section 308. Confirmation by county legislature. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of members of the county legislature taken at a regular or special meeting.

Section 309. Powers of deputy county executive. The deputy county executive shall act in the absence of the county executive and shall have all of the powers and duties of the county executive when so acting. The deputy county executive shall perform such duties and have such powers as shall be delegated by the county executive.

Added by Local Law No. 1-1971.

Section 310. Division of information and support services. a. There shall be in the office of the county executive a division of information and support services, headed by a director of information and support services who shall be appointed by and serve at the pleasure of the county executive. The director shall provide such information and support services as provided for in the administrative code and shall operate such other central facilities as may be established by the county executive within the appropriations provided there for.

NEW section 310 Added by Local Law No. 3-1989.

Former section 310 **REPEALED** by Local Law No. 3-1989.

Amended by Local Law No. 5-1974.

Added by Local Law No. 13-1972.

b. Within the division of information and support service there shall be an office of data

processing, headed by the director of data processing who shall be appointed by and serve at the pleasure of the county executive. The director shall be a person meeting such qualifications as may be set out in this charter or in the administrative code at the time of his or her appointment. The director shall perform such data processing services as provided for in the administration code.

Amended by Local Law No. 3-1989.

Added by Local Law No. 11-1974.

c. Subject to the approval of the county legislature, the county executive may enter into a contract with the federal government, state government or any municipal corporation to provide data processing services to such governments or units of government.

Amended by Local Law No. 3-1989.

Amended by Local Law No. 11-1974.

Added by Local Law No. 13-1972.

Article 3 was formerly numbered Article III.

## **ARTICLE 4IV**

### **DEPARTMENT OF FINANCE**

Section	401.	<del>Department of finance; commissioner; board of equalization and elective office of treasurer abolished</del> <u>Department of Finance, Commissioner abolished</u> <u>Director of Real Property Tax services</u>
	402.	Powers and duties.

Section 401. Department of real property tax services; director. There shall be a department of real property tax services headed by a director, who shall be appointed by the County Executive subject to confirmation by the county legislature. ~~Department of finance; commissioner; board of equalization and elective office of treasure abolished.~~ There shall be a department of finance headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature. The commissioner shall possess at least five years of practical experience in public accounting and be a licensed public accountant by the state of New York and/or shall have five years of administrative experience in the area of finance or shall possess a combination of said requirements. The Erie county equalization board act, being chapter three hundred four of the laws of nineteen hundred nineteen as amended is hereby repealed, and the elective office of county treasurer shall be abolished, as of January first, nineteen hundred sixty one.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 2-1975.

Section 402. Powers and duties. Except as otherwise provided in this charter, the ~~commissioner of finance~~ director of real property tax services shall:

~~— a. Collect, receive, deposit, and disburse all fees, revenues and other funds of the county for which the county is responsible and report all such transactions to the comptroller on a daily basis in the format prescribed by the comptroller for the accounting thereof.~~

~~b. Have custody of the county's vendor bank account, disburse from this account all vendor payments prepared by the comptroller's office, and advise the comptroller of cash requirements for this bank account on a weekly basis to ensure that adequate cash is on deposit to cover expenditures.~~

~~a.e. Perform all duties, including but not limited in relation to the administration and collection of taxes, required by any law to be heretofore performed by a county treasurer or county sales tax director commissioner of finance.~~

b. Perform all duties in relation to the extension of taxes and the issuing of tax bills heretofore performed by the clerk of the county Legislature.

c. Keep a record of the transfer of title to real property and immediately notify the town clerk or the city board of assessors of all such transfers in each town or city, as the case may be.

d. Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.

e. Submit annually to the county executive proposed county tax equalization rates consistent with standards prescribed by the Legislature.

~~h. Report all transactions involving deposits, revenues, and appropriations to the comptroller on a daily basis in the format proscribed by the comptroller for the accounting thereof.~~

~~i. Review and evaluate the comptroller's annual investment plan. Submit to the county executive, director of budget and management, and the comptroller the results of this review and any proposed changes. This review will be based on anticipated revenues and borrowings. As a part of the budget process, the county executive shall consider the commissioner of finance's evaluations and recommendations in the preparation of his tentative budget.~~

f. Submit to the county Legislature and county executive reports and interpretations thereof as requested on a timely basis.

g. Perform all duties now or hereafter required by law to be performed by the county director of real property tax services.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 8-1988.

Amended by Local Law No. 4-1985.

Article 4 was formerly numbered Article IV.

**ARTICLE 5~~V~~**  
**DEPARTMENT OF HEALTH**

Section	501.	County health district and department; commissioner; qualifications; appointment and term.
	502.	Powers and duties of the commissioner.
	503.	Board of health.
	504.	Sanitary code.
	505.	County laboratory district; county laboratory; director.
	506.	Division of Services to Persons with Special Needs; deputy commissioner

Section 501. County health district and department; commissioner; qualifications; appointment and term. The county, including the cities, towns and villages and special districts situated therein, shall continue to be a county health district. There shall be a department of health headed by a commissioner. The county executive shall appoint as commissioner of health a physician duly licensed to practice medicine in the state of New York, who shall be experienced in public health administration and shall possess such qualifications as are prescribed in the state sanitary code or otherwise by the public health council of the state of New York. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

Section 502. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law. ~~He~~He or she shall perform such additional and related duties as the county executive may prescribe.

The commissioner shall supervise and be responsible for, and shall appoint and have charge of the county medical examiners and their staff, which county medical examiners shall be physicians duly licensed to practice in the state of New York. The medical examiners shall have such powers and duties as are or may be prescribed by any state law, county law, special act, or local law, including any duties previously assigned to the medical director as regards inquiries into deaths occurring without medical attendance. The chief medical examiner shall be keeper of the morgue.

Amended by Local Law No. 4-1984.

Section 503. Board of health. There shall be in the department a board of health, the members of which shall be appointed by the county executive. The composition of such board in regard to the number of members and professional, governmental or other representation, and the

terms of such members, shall be as provided in the public health law for a county board of health. The board of health shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the preservation and improvement of the public health and on matters relating to services and facilities of the county laboratory.  
Amended by Local Law No. 8-1989.

Section 504. Sanitary code. The board of health may formulate, promulgate, adopt and publish rules, regulations, orders and directions relating to health in the county, which shall not be inconsistent with the public health law or the state sanitary code. Such rules, regulations, orders and directions shall be known as the county sanitary code. Any and all provisions of the Erie county sanitary code in effect at the time of adoption of this charter shall remain in full force and effect until amended or repealed by the board of health. No amendment of the county sanitary code with respect to the establishment or revision of schedules of fees by the board of health shall take effect until such amendment is ratified by the county legislature. If the legislature shall not ratify, modify or reject such amendments within sixty days following the presentation of such amendments to the clerk of the legislature by the board of health, then such amendments shall be deemed ratified.

The provisions of the county sanitary code shall have the force and effect of law. Penalties for violation of or non-conformance with such code shall be as provided by such code or other applicable law. Certified copies of such code shall be received in evidence in all courts and proceedings in the state.

Amended by Local Law No. 1-1994

Amended by Local Law No. 9-1994.

Section 505. County laboratory district; county laboratory; director. The county, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the department an Erie county laboratory headed by an ~~assistant~~ director. The commissioner of health ~~county executive~~ shall appoint as laboratory ~~assistant~~ director a person who shall possess such qualifications as may be prescribed by the public health council of the state of New York for a clinical laboratory director. Such appointments shall be for the term or balance thereof of the commissioner ~~county executive~~ making such appointment.

The director shall exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by the administrative code, by order or direction of the commissioner of health and by any applicable act of the Legislature not inconsistent with the county charter or the administrative code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the public health law or other applicable law.

The director shall be responsible for the serological, bacteriological and other public health laboratory work for the county laboratory district, as required by the health commissioner. Except as otherwise provided in this charter, the director ~~he~~ shall exercise all powers and perform all duties of a county laboratory board.

Amended by Local Law No. 3-2006.  
Added by Local Law No. 8-1989.

Section 506. Division of Services to Persons with Special Needs; deputy commissioner. There shall be in the Department a Division of Services to Persons with Special Needs, headed by a deputy commissioner. The deputy commissioner shall be appointed by the commissioner and serve at the commissioner's pleasure. The deputy commissioner shall insure the continuance of beneficial programs and implement additional services in the County for adults and youths with special developmental and medical needs.  
Added by Local Law No. 6-2001.

Article 5 was formerly numbered Article V.

## **ARTICLE ~~6~~<sup>VI</sup>** **DEPARTMENT OF LAW**

Section	601.	Department of law; county attorney.
	602.	Powers and duties.

Section 601. Department of law; county attorney. There shall be a department of law headed by the county attorney, who shall be appointed by the county executive subject to confirmation by the county legislature. ~~He~~He or she shall be a member in good standing of the bar of the state of New York.

Section 602. Powers and duties. The county attorney shall be the legal advisor for the county and, on its behalf in county matters, of its officers and administrative units. ~~He~~He or she shall, in all county legal matters of a civil nature, advise all county officers and employees and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith, prosecute or defend all actions or proceedings of a civil nature brought by or against the county; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the county legislature, together with notices and other items in connection therewith; and perform such additional and related duties as may be prescribed by law, by the county executive or by resolution of the county legislature.

Article 6 was formerly numbered Article VI.

## **ARTICLE ~~7~~<sup>VI-A</sup>** **DEPARTMENT OF LABOR RELATIONS**

Section ~~670101~~. Department of Labor Relations. There shall be a department of Labor Relations which shall be headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature.  
Article ~~7~~<sup>VI-A</sup> added by Local Law No. 3-2006.

**ARTICLE 8~~VH~~**  
**DEPARTMENT OF PARKS, ~~AND~~ RECREATION AND FORESTRY**

Section	801 <del>701</del> .	Department of parks <del>and recreation; commissioner; parks act REPEALED</del> , <u>recreation and forestry.</u>
	802 <del>702</del> .	Powers and duties.
	803 <del>703</del> .	County parks and other recreation facilities.

Section 801~~701~~. Department of parks ~~and recreation and forestry parks act repealed commissioner~~. There shall be a department of parks ~~and recreation and forestry~~ headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature. ~~The Erie county parks act, being chapter six hundred six of the laws of nineteen hundred forty seven as amended, is hereby repealed as of January first, nineteen hundred sixty one.~~

Section 802~~702~~. Powers and duties. Except as otherwise provided in this charter, the commissioner shall have supervision and control over the design, construction, operation, maintenance and repair of all county owned and operated properties and facilities for the following purposes; parks and recreation facilities therein, beaches, ~~zoological and botanical gardens~~, forest lands and golf courses, together with buildings, structures, roads, parking areas, utilities, equipment and appurtenances. ~~He~~ The commissioner shall perform such additional and related duties as the county executive may prescribe.

Section 803~~703~~. County parks and other recreation facilities. The county legislature is hereby authorized on behalf of the county to accept by gift and to acquire by purchase, condemnation, lease or otherwise, real property for the purposes set forth in section seven hundred two hereof. The county legislature may abandon such purposes by local law and may dispose of such property.

Amended by Local Law No. 3-2006.  
Article 8 was formerly numbered Article VII.

**ARTICLE 9~~VIII~~**  
**DEPARTMENT OF PERSONNEL**

Section	901 <del>801</del> .	Department of personnel; commissioner.
	902 <del>802</del> .	Powers and duties.

Section 901~~801~~. Department of personnel; commissioner. There shall be a department of personnel headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county legislature.

Section 902~~802~~. Powers and duties. The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county civil service commissioner as provided by the civil service law, and, ~~he~~ or she shall be subject to supervision and control by the state civil service commission as are county civil service commissions. Provided, however, that the state civil service commission shall have exclusive jurisdiction to prepare and rate examinations and establish eligibility lists for all positions under the jurisdiction of the county personnel commissioner. The commissioner shall perform such additional and related duties as the county executive may prescribe.

Article 9 was formerly numbered Article VIII.

**ARTICLE ~~10~~X**  
**DEPARTMENT OF ENVIRONMENT AND PLANNING**

Section	1001 <del>901</del> .	Department of environment and planning; commissioner; qualifications.
	1002 <del>902</del> .	Powers and duties of commissioner.
	1003 <del>903</del> .	County environmental quality code.

Section 1001~~901~~. Department of environment and planning; commissioner; qualifications. There shall be a department of environment and planning headed by a commissioner. ~~He~~ or she shall be appointed by the county executive, subject to confirmation by the county legislature. ~~He~~ or she shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental control or regional, county or municipal planning.

Section 1002~~902~~. Powers and duties of commissioner. The commissioner of environment and planning shall have the following powers and duties:

a. ~~He~~ or she shall administer the planning, environmental compliance, drainage, flood control, solid waste management, sewerage planning, construction and management functions vested in the executive branch of the county government, provided, however, that this provision shall not be deemed to restrict the powers or duties of any administrative body appointed, designated, or established in accordance with article five-a of the county law and the Erie county charter and administrative code.

Amended by Local Law No. 6-1988.

b. ~~He~~ or she shall head the department of environment and planning, supervise and direct its officers and employees, and make such assignments of powers and duties among them as ~~he~~ or she may consider advisable.

c. ~~He~~ or she may promulgate, administer, enforce and amend a county environmental quality code, pursuant to section nine hundred three of this charter.

d. ~~He~~ or she may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders or programs in relation to the control, enhancement and preservation of environmental resources.

e. ~~He~~ or she shall advertise and call for bids on the construction of each sewer project of

the county and such other projects as may be assigned to this department by the county legislature, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.

f. He or she shall have such additional powers and duties as may be prescribed by the county executive.

g. He or she shall have all powers necessary or proper to the exercise of any of the duties or functions of the commissioner of the department of environment and planning.

Former subdivision h. **REPEALED** by Local Law No. 1-1986.

Former subdivision h. Added by Local Law No. 3-1978.

Section 1003~~903~~. County environmental quality code. To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the public health law to formulate, promulgate, adopt, publish and enforce rules, regulations, orders and directions for the security of life and health to be known as a sanitary code may be exercised by the commissioner of environment and planning in formulating, promulgating, adopting, publishing and enforcing an environmental quality code. The commissioner may also promulgate such other and additional rules and regulations as he or she shall consider appropriate to enhance the quality, use and enjoyment of air, water and other resources within the county, in furtherance of public health, safety, and welfare. This shall not be deemed to limit the authority of the commissioner of health or the board of health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or amendment of the county environmental quality code, the commissioner shall conduct a public hearing, pursuant to the procedures set forth in section 9.06(a) of the Erie county administrative code. Following such public hearing, if the commissioner's decision is to adopt said proposed code or amendment, he or she shall file a copy of the said preliminary decision with the clerk of the legislature. If the county legislature shall so direct, pursuant to section 9.06(a) of the Erie county administrative code, the commissioner shall conduct a second public hearing.

Nothing in this section shall be construed to mean that the commissioner must promulgate or enforce such rules, regulations, orders and directions except as he or she has the necessary staff and funds to do so.

Article IX - Environmental Management) **REPEALED** in its entirety and NEW article IX Added by Local Law No. 2-1977.

Former sections 904 and 905 **REPEALED** by Local Law No. 1-1986.

Former sections 904 and 905 Added by Local Law No. 3-1978.

Article 10 was formerly numbered Article IX.

## ARTICLE 11~~X~~

### DEPARTMENT OF PUBLIC WORKS

Section	1101 <del>1001</del> .	Department of public works; commissioner; qualifications.
	1102 <del>1002</del> .	Powers and duties.
	1103 <del>1003</del> .	Divisions of the department.

Section 1101~~1001~~. Department of public works; commissioner; qualifications. There shall be a department of public works headed by a commissioner. ~~He~~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.

Section 1102~~1002~~. Powers and duties. Except as otherwise provided in this charter, the commissioner of public works shall:

a. Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law and of a county traffic safety board pursuant to section sixteen hundred seventy-five of the vehicle and traffic law.

b. Have charge and supervision of the design, construction, reconstruction, alteration, maintenance, repair and operation of county buildings, grounds, parking fields, drives and walks, but not including custodial care of the community college, library, holding center, penitentiary, ~~home and infirmary, medical center~~ or laboratory.

Subsection b. amended by Local Law No. 3-2006.

c. Advertise and call for bids on the construction of each public works project of the county, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.

d. Exercise all the powers and duties of administration and enforcement of the uniform fire prevention and building code pursuant to article eighteen of the executive law with respect to any and all buildings owned by the county of Erie.

e. Perform such additional and related duties as the county executive may prescribe.  
Amended by Local Law No. 3-2006.

Amended by Local Law No. 3-1998.

Amended by Local Law No. 14-1974.

Amended by Local Law No. 11-1972.

Amended by Local Law No. 1-1965.

Section 1103~~1003~~. Divisions of the department. There shall be within the department of public works the following divisions: highways; buildings and grounds; and weights and measures.

Amended by Local Law No. 14-1974.

Added by Local Law No. 1-1965.

Article 11 (formerly Article X)

## **ARTICLE 12~~XI~~** **DEPARTMENT OF SOCIAL WELFARE**

Section	1201 <del>101</del> .	Department of social welfare; commissioner; county welfare act repealed.
	1202 <del>102</del> .	Powers and duties of the commissioner.
	1203 <del>103</del> .	Welfare advisory board.

1204.~~1104~~. Division of Youth Services.

Section 1201~~1101~~. Department of social welfare; commissioner; county welfare act repealed. There shall be a department of social welfare headed by a commissioner who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county social welfare act, being chapter twenty-eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1202~~1102~~. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of social welfare shall:

- a. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law.
  - b. **REPEALED** by Local Law No. 9-1989.
  - c. Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.
  - d. Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency telephone service shall be available on a twenty-four hour basis for medical, psychiatric and non-medical crises.
  - e. Perform such additional and related duties as the county executive may prescribe.
- Amended by Local Law No. 6-1975.

Section 1203~~1103~~. Welfare advisory board. There shall be in the department a welfare advisory board of seven members appointed by the county executive for five-year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department or involving social welfare.

Section 1204~~1104~~. Division of Youth Services. There shall be within the department of social welfare a division of youth services, headed by a deputy commissioner. In addition to all other duties prescribed by local law, ordinance or resolution of the Legislature or by the commissioner of social welfare, the deputy commissioner of the division of youth services shall have charge of youth detention services.

Section 1204~~1104~~ added by Local Law No. 3-2006.

Article 12 was formerly numbered Article XI.

**ARTICLE XI-A**  
**DEPARTMENT OF PUBLIC SAFETY**

~~REPEALED in its entirety by Local Law No. 2-1972.~~

~~Amended by Local Law No. 1-1964  
1964 Local Laws of Cities, Counties, Towns and Villages.~~

**ARTICLE 13~~XI-B~~**  
**DEPARTMENT OF MENTAL HEALTH**

- Section 1301~~11-B-01~~. Department of mental health; commissioner.
- 1302~~11-B-02~~. Powers and duties.
- 1303~~11-B-03~~. Advisory board.

Section 1301~~11-B-01~~. Department of mental health; commissioner. There shall be a department of mental health, the head of which shall be the commissioner of mental health. ~~He~~He or she shall be appointed by the county executive subject to confirmation by the county legislature. The commissioner shall meet those qualifications fixed by the state department of mental hygiene and in existence at the time of ~~his~~his or her appointment.

Amended by Local Law No. 2-1988.

Section 1302~~11-B-02~~. Powers and duties. Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. Within appropriations made available there for, the commissioner shall perform all duties with respect to child mental health services. ~~He~~He or she shall perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 2-1989.

Section 1303~~11-B-03~~. Advisory board. The county executive shall appoint a mental health advisory board which shall, at the request of the commissioner, and may on its own initiative, advise on matters relating to an adequate program of mental health services in the county. The composition of such board in regard to the number of members and the professional, governmental or other representation, and the terms of such members, shall be as provided in the mental hygiene law for the community mental health board.

Amended by Local Law No. 4-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Article 13 was formerly numbered Article XI-B.

**ARTICLE 14~~XI-C~~**  
**DEPARTMENT OF EMERGENCY SERVICES**

- Section 1401~~11-C-01~~. Department established; commissioner of emergency services.
- 1402~~11-C-02~~. Powers and duties.
- 1403~~11-C-03~~. Advisory boards.

Section 1401~~11-C-01~~. Department established; commissioner of emergency services. There shall be a department of emergency services, the head of which shall be the commissioner of emergency services. ~~He~~He or she shall be appointed by the county executive subject to confirmation by the county legislature to serve at the pleasure of the county executive.

- Section 1402~~11-C-02~~. Powers and duties. The commissioner of emergency services shall:
- a. Have all the powers and perform all the duties conferred or imposed upon county directors of emergency medical services by the laws of the state of New York.
  - b. Plan, develop and coordinate, to the extent authorized by law or agreement, the implementation of protocols and procedures for, and the provision of, emergency medical services within the county of Erie, including, but not limited to: training and certification of persons as emergency medical technicians at one or more levels of service; communications services, including medical telemetry and control, between hospitals and ambulances by medical emergency radio system; ambulance dispatching, inspection and certification.
  - c. Have all the powers and shall perform all of the duties conferred or imposed upon county fire coordinators by the laws of the state of New York.
  - d. Have all the powers and execute the duties of the county executive in ~~his~~his or her capacity as the county's local director of civil defense under the New York state defense emergency act, being chapter eighty-four of the laws of nineteen hundred and fifty-one, as amended.
  - e. Develop, make public and regularly amend a county disaster preparedness plan, in accordance with article two-B of the executive law, for the coordination of emergency services in the event of natural or other disaster or emergency.
  - f. Coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event of a declaration by the county executive of a state of emergency or disaster within the county or in the case such assistance is requested by the chief executive of any city, town or village within the county.
  - g. Originate, coordinate, and promote programs with respect to fire safety, emergency medical services and disaster preparedness within the county of Erie.
  - h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 1403~~11-C-03~~. Advisory boards. The county executive shall appoint the following three advisory boards, which shall advise on matters relating to emergency medical services, fire safety, and civil defense/disaster preparedness, respectively, either at the request of the commissioner or upon their own initiative:

- a. Emergency medical services advisory board.
- b. Fire advisory board.
- c. Civil defense/disaster preparedness advisory board.

Added by Local Law No. 1-1986.

Article 14 was formerly numbered Article XI-C.

## **ARTICLE 15 ~~XI-D~~** **DEPARTMENT OF CENTRAL POLICE SERVICES**

Section 1501~~11-D-01~~. Department of central police services; commissioner.

1502~~11-D-02~~. Powers and duties

1503~~11-D-03~~. Board of trustees.

Section 1501~~11-D-01~~. Department of central police services; commissioner. There shall be a department of central police services, the head of which shall be the commissioner of central police services. ~~He~~He or she shall be appointed by the county executive, subject to confirmation by the county legislature, from a list of three qualified candidates provided by the central police services board of trustees. The commissioner shall serve at the pleasure of the county executive.

Section 1502~~11-D-02~~. Powers and duties. The commissioner of central police services shall:

a. Coordinate, administer, originate and promote programs of professional and technical services to police agencies in the county.

b. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 1503~~11-D-03~~. Board of trustees. The county executive shall appoint a central police services board of trustees of seven members which shall set the policy for the department and advise on matters relating to programs of professional and technical services to police agencies in the county. Should the office of commissioner become vacant, the central police services board of trustees shall submit a list of three qualified candidates to the county executive. Such board shall be composed of the commissioner of police of the city of Buffalo or the designee thereof; the inspector, division of administration and communications, Buffalo police department; the Erie county sheriff or the designee thereof; a member designee of the Erie county chiefs of police association; a designee of the county executive; a member of the Erie county legislature designated by the chairman of the legislature; and a designee of the association of Erie county governments, who is an elected official. Such board shall be responsible to the county executive.

Amended by Local Law No. 4-1999.

Amended by Local Law No. 12-1972.

Added by Local Law No. 3-1972.

Article 15 was formerly numbered Article XI-D.

## **ARTICLE 16~~XI-E~~**

### **DEPARTMENT OF SENIOR SERVICES**

Section 1601~~11-E-01~~. Department of senior services; commissioner.

1602~~11-E-02~~. Powers and duties.

1603~~11-E-03~~. Advisory board.

Section 1601~~11-E-01~~. Department of senior services; commissioner. There shall be a department of senior services, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. There shall be no deputy commissioner nor shall any position be created, by whatever title, providing for duties and emoluments which would be appurtenant in fact to the office of a deputy commissioner of the department.

Section 1602~~11-E-02~~. Powers and duties. The commissioner of the department shall:

- a. Act as a local administrative officer for planning and coordination of services for senior citizens in cooperation with the county executive and the county legislature;
- b. Serve as an advocate in order to make existing service systems more effective and accessible to senior citizens;
- c. Assess the future needs of senior citizens to insure the continuance of beneficial programs and to implement additional services according to need and demographics including handicapped and disabled senior citizens;
- d. Apply for such federal and state funds and grants as may be beneficial to senior citizen's programs;
- e. Function as a coordinator with the cities, towns and villages within the county for community-based systems for senior citizens;
- f. Gather and disseminate information relating to the needs of the aging and inform the public through an awareness program of the services and facilities available to senior citizens;
- g. Initiate and monitor programs to preserve the safety of senior citizens with respect to transportation services and crime prevention;
- h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 1603~~11-E-03~~. Advisory board. There shall be established an advisory board to the department of senior services.  
Added by Local Law No. 5-1979.  
Article 16 was formerly numbered Article XI-E.

## **ARTICLE 17~~XI-F\*~~**

### **DEPARTMENT OF YOUTH SERVICES**

Section 1701~~11-F-01~~. Department of youth services; commissioner.

1702~~11-F-02~~. Powers and duties.

1703~~11-F-03~~. Youth services board.

Section 1701~~11-F-01~~. Department of Youth Services; commissioner. There shall be a department of youth services, hereinafter to be known as the "Erie County Youth Bureau", the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. The commissioner may, within the appropriations provided therefor, appoint to serve at ~~his~~his or her pleasure, such

deputies, assistant deputies and other employees as he or she may deem necessary for the performance of his or her duties.  
Amended by Local Law No. 6-2001.

Section 1702~~11-F-02~~. Powers and duties. The commissioner of the department shall:

a. Act as a local administrative officer for planning, coordination, and management of services for youth in cooperation with the county executive and county legislature;  
Amended by Local Law No. 6-2001

b. Serve as an advocate in order to make existing service systems more effective and accessible to youth;

c. Assess the future needs of youth to insure the continuance of beneficial programs and to implement additional services according to need and demographics, including mentally and physically handicapped and disabled youth;

d. Apply for such federal and state funds and grants as may be beneficial to youth;

e. Improve coordination among county agencies and between cities towns, and villages within the county which are involved in the provision of services to youth, especially those youth who are at risk of involvement in the juvenile and criminal justice system, in order to assure more effective planning, program development, and administration of services which are provided on behalf of these youngsters;

f. Gather and disseminate information relating to the needs of youth and inform the public of the services and facilities available to youth;

g. Initiate and monitor programs to preserve the safety of youth with respect to handicapped youth transportation and education services, and juvenile delinquency prevention;  
Amended by Local Law No. 2-1989.

h. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 1703~~11-F-03~~. Youth services board. There shall be established a youth services board to the department of youth services.

Added by Local Law No. 3-1983.

Article 17 was formerly numbered Article XI-F\*.

\* See also, former article XI-F, Office for the Disabled, Added by Local Law No. 4-1983, and REPEALED by Local Law No. 3-2006.

## ~~ARTICLE XI-F\*~~

### ~~OFFICE FOR THE DISABLED~~

<del>Section</del>	<del>11-F-01.</del>	<del>Office for the disabled; director.</del>
	<del>11-F-02.</del>	<del>Powers and duties</del>
	<del>11-F-03.</del>	<del>Advisory board.</del>

~~—Section 11-F-01.— Office for the disabled; director. There shall be an office for the disabled, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the county executive.~~

—Section 11 F 02.— Powers and duties. The director of the office shall:

- a. Advocate the benefits and services which disabled persons are entitled to under the law and represent the disabled in various area of concern affecting their rights as citizens, including, but not limited to transportation, education, recreation, economic security, architectural barriers and rehabilitation;
- b. Identify and recommend to public and private agencies and organizations which serve the disabled, to the county legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled;
- c. Identify areas of unmet needs and gaps in services and programs for the disabled;
- d. Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county legislature, county departments and public and private agencies and organizations which serve the disabled;
- e. Assist in the delivery of needed services to the disabled and encourage appropriate services providers, both public and private to provide for an effective delivery of services to the disabled;
- f. Establish and maintain coordination and communications with all public and private agencies and departments in the county which provide services and programs to the disabled;
- g. Develop and provide an information and referral service for all services and programs for the disabled and their families;
- h. Gather and disseminate information relating to the needs of the disabled and inform the public through an awareness program of the services and facilities available to disabled persons;
- i. Issue such publications and reports which in the director's judgement will promote the interests of the disabled;
- j. Meet regularly with and provide technical and staff assistance to the Erie county council on the disabled;
- k. Perform such further duties as may be prescribed or directed by the county executive or the county legislature;

—Section 11 F 03.— Advisory board. There shall be established an advisory board to the office for the disabled which shall be known as the Erie county council on the disabled.  
 Added by Local Law No. 4 1983.

**ARTICLE 18XI-F\***  
**OFFICE OF PUBLIC ADVOCACY**

Article	18XI-F.	Office of public advocacy.
Section	1801.XI-F-01	Office of public advocacy
	1802.XI-F-01	Division of equal employment opportunity
	1803.XI-F-03	Advisory board to division of equal employment opportunity
	1804.XI-F-04	Division on the status of women
	1805.XI-F-05	Advisory commission to division on the status of women

1806.	<del>XI-F-06</del>	Division of veterans services
1807.	<del>XI-F-07</del>	Division for the disabled
1808.	<del>XI-F-08</del>	Advisory board to division for the disabled
1809.	<del>XI-F-09</del>	Consumer protection committee

Section 1801~~XI-F-01~~. Office of public advocacy. There shall be an office of public advocacy, the head of which shall be the commissioner. The commissioner of said office shall be appointed from among the division directors by, and shall serve at the pleasure of, the county executive, subject to approval of the county Legislature. The commissioner of the office shall:

1. Serve in the capacity of countywide public advocate for all residents of Erie county, overseeing the day-to-day operations of the division of equal employment opportunity, division on the status of women, division of veterans services, division for the disabled and consumer protection committee;
2. Report to the county executive, ~~county manager~~ and the Legislature on an annual basis on all activities related to fulfilling the obligations of the office of public advocacy.

Section 1802~~XI-F-02~~. Division of equal employment opportunity. There shall be a division of equal employment opportunity, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the commissioner.

The division shall:

1. Direct and be responsible for all equal employment activities of the county and establish a county affirmative action plan and policies and assist in their execution;
2. Monitor personnel changes and procedures, file annual reports with the equal employment opportunity commission (EEOC), ensure Affirmative Action compliance in all County contracts, assist minority/women owned business enterprises in the certification procedures, process complaints of discrimination and sexual harassment and conduct EEO/AA training for Erie county personnel.

Section 1803~~XI-F-03~~. Advisory board to division of equal employment opportunity. There shall be established an advisory board to the division of equal employment opportunity.

Section 1804.~~XI-F-04~~. Division on the status of women. There shall be a division on the status of women. It is hereby declared to be the policy of Erie county, New York, to eliminate discrimination in any form that may exist on account of gender; to fully utilize the potential of each citizen, regardless of gender, in order to preserve our democratic way of life; and to provide equal opportunities to all citizens, regardless of gender, in employment, education, health and mental health, housing, senior and social services, and before the law. The director of said division shall be appointed by and shall serve at the pleasure of the commissioner. The division shall:

1. Work to ensure that the women of Erie county participate fully in matters that have an impact on their lives.
2. Develop an information system for services relating to the needs of women, and develop other networks and referral programs as necessary;

3. Investigate and analyze resources and services available for women within county government and programs funded by the county and recommend measures to coordinate, consolidate or expand those resources and services to provided maximum efficiency;
4. Submit an annual report of its activities and recommendations to the county executive and county Legislature.

Section 1805~~XI-F-05~~. Advisory commission to division on the status of women. There shall be an advisory commission. The commission shall consist of nine to fifteen members to be appointed by the county executive subject to confirmation by the county Legislature. The county executive shall appoint to the commission at least two persons recommended by each of the majority and minority leaders of the Legislature.

Nominations for the remaining positions shall be actively solicited from groups which represent and are active in the area of women's concerns. The departments of health, mental health, senior services, social services, youth services, and the equal employment opportunity office shall each designate one person to serve as an ex-officio non-voting member of the commission. The membership of the commission shall reflect the diversity of women and their concerns in Erie county.

No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each.

The commission shall annually designate one member to serve as commission chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the commission shall appoint a successor to that office from the commission's membership.

The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 1806~~XI-F-06~~. Division of veterans services. There shall be a division of veterans services, the head of which shall be the director. The director of said division shall be appointed by and serve at the pleasure of the commissioner. The division shall:

1. Advocate for the benefit of veterans in accordance with New York state executive law section 357;
2. Assist veterans and their families with job searches and placement, education, vocational rehabilitation, disability and pension claims, death benefits, medical needs and indigent burials.

Section 1807~~XI-F-07~~. Division for the disabled. There shall be a division for the disabled, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the commissioner. The division shall:

1. Evaluate and provide reasonable accommodations to county employees under the Americans

with Disabilities ACT (ADA) or New York Executive Law in conjunction with the county attorney's office, labor relations department and the unions;

2. Advocate the benefits and services which disabled persons are entitled to under the law and represent the disabled in various area of concern affecting their rights as citizens;
3. Identify and recommend to public and private agencies and organizations which serve the disabled, to the county Legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled;
4. Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county Legislature, county departments and public and private agencies and organizations which serve the disabled;
5. Submit an annual report in accordance with the Americans with Disabilities ACT (ADA) of activities and recommendations to the county executive ~~manager~~ and county Legislature.

Section 1808 ~~XI-F-08~~. Advisory board to division for the disabled. There shall be established an advisory board to the division for the disabled.

Section 1809 ~~XI-F-09~~. Consumer protection committee. There shall be a consumer protection committee. The committee shall:

1. Undertake activities to encourage business and industry within the county to maintain high standards of honesty and fair business practices, and to act responsibly in the production, promotion and sale of consumer goods and services, in the extension of credit and in the collection of consumer debts;
2. Investigate and analyze resources and services available to consumers within the departments of Erie county government and programs funded by Erie county and shall recommend measures to coordinate, consolidate or expand these resources and services to provide maximum efficiency and effectiveness;
3. Increase consumer awareness and competence through the development of educational programs emphasizing preventive education, the creation and distribution of publications, the use of communications media and a speakers bureau;
4. Submit an annual report of its activities and recommendations to the county executive and county Legislature;
5. Have a minimum of four public meetings each year at which meetings the business of the committee shall be conducted.

To effectuate the purpose of this section, the commissioner and the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as will enable the committee to properly effectuate its powers and duties.

The number of members on the committee, the procedure for appointing them, the length of their terms, and the functioning of the committee shall be as specified in section 1607 on advisory boards, with the exception that the county executive shall designate the chairperson from among the members of the committee.

A staff person from the office of the county executive, or other county department or division as designated by the county executive, shall serve as liaison between the committee and office of the

county executive. The liaison shall attend committee meetings, secure meeting space, assign clerical assistance as needed and assign storage for documents of the committee.

~~Article XI-F~~ added by Local Law No. 3-2006.

~~Former Article XI-F, Office for the Disabled, REPEALED by Local Law No. 3-2006.~~

~~Former Article XI-F, Office for the Disabled, added by Local Law No. 4-1983.~~

~~\* See also, article XI-F, Department of Youth Services, added by Local Law No. 3-1983.~~

## **ARTICLE 19~~XI~~ COMPTROLLER**

Section	1901 <del>1201</del> .	Election; comptroller's act <b>Repealed</b> .
	1902 <del>1202</del> .	Powers and duties.

Section 1901~~1201~~. Election; comptroller's act repealed. There shall be a county comptroller who shall be elected from the county at large. ~~His~~His or her term of office shall begin with the first day of January next following ~~his~~his or her election and shall be for four years. At the time of ~~his~~his or her election and throughout ~~his~~his or her term of office ~~he~~he or she shall be a qualified elector of the county. ~~He~~He or she shall devote ~~his~~his or her whole time to the duties of ~~his~~his or her office and shall hold no other public office. The Erie county comptroller's act, being chapter four hundred twenty-three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Section 1902~~1202~~. Powers and duties. The comptroller shall:

a. Be the chief fiscal, accounting, reporting and auditing officer of the county, and oversee the fiscal affairs of the county including the sale of all bonds and notes and the investment of proceeds thereof and the investment of agency and trust funds, as well as general and operating fund revenues.

b. Maintain the official accounting records for all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, expenditures, appropriations, revenues and estimated revenues and prescribe approved methods of accounting for county officers and administrative units in accordance with standards and policies prescribed by the New York state comptroller and the governmental accounting standards board.

c. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible, and certify as to the availability of funds therefor.

d. Audit and certify for payment all lawful claims, or charges against the county or against funds for which the county is responsible.

e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the county is responsible in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States, and submit such audit reports to the legislature.

f. Procure statements from all depositories of county funds and funds for which the county is responsible, and reconcile such statements with county accountants.

g. Conduct management and performance audits of county administrative units and county funded programs in conformity with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants and the Comptroller General of the United States and submit such audit reports to the legislature.

h. Provide such other accounting reports and interpretation thereof to the county executive and legislature as requested on a timely basis.

i. Submit to the county legislature and county executive and the independent auditor hired by the county pursuant to charter section nineteen hundred two, monthly accounting reports of appropriations, encumbrances, expenditures and revenues on an accrual basis from the county's computerized accounting system, monthly statements from all depositories of county funds and funds for which the county is responsible, quarterly financial statements for the first three quarters of each fiscal year and annually a comprehensive financial statement containing a balance sheet and statement of revenues, expenditures and changes in fund balances.

j. Provide all records and reports requested or required by New York state, the independent auditor for the annual audit of the county's financial statements, and other independent auditors under contract with the county of Erie.

k. With the assistance of the county attorney or his or her designee, prepare bond resolutions for approval by the county legislature and secure funds from the bond market for approved capital projects. Notification of plans to secure both funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing interest rate, and repayment schedule. In addition, once the Erie county legislature and county executive approve the bond resolution, the comptroller must, as requested, seek financing of said bond resolution. Furthermore, after the required approvals by the Erie county legislature and the county executive, funds approved for capital projects must be released by the comptroller.

l. Prepare annual cash flow statements, monitor cash flow, and when necessary, secure short-term funds. Notification of plans to secure short-term funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing, interest rate, and repayment schedule.

m. Issue and certify any official statement necessary for the county to issue bonds or notes, provided such statement must have been approved as to content by the county executive and as to form by the county attorney or his or her designee.

n. Provide the director of budget and management, the finance commissioner, and the county executive with complete debt service information for the annual budget, information on the monthly cash flow statements, and other reports as required, in accordance with time guidelines established by the budget director.

~~o. Transfer cash from appropriate accounts upon the request of the commissioner of finance to the county vendor bank account under the control of the commissioner of finance.~~

o. On or before the 15<sup>th</sup> of October, review all revenue projections to be used in the proposed tentative budget prepared by the county executive and submit to the Legislature in writing a report indicating whether or not the projections are suitable estimates for the ensuing year. Should the comptroller determine that the revenue projections are not suitable for the ensuing fiscal year, the Legislature, upon notice from the comptroller may revise such projections downward upon a two-thirds majority vote. The Legislature shall not revise such revenue projections upward.

p. Be responsible for the collection and recovery of accounts receivable due the county provided , however, that the hiring of legal counsel to collect and recover accounts receivable shall be subject to the provisions set forth in Section 6.02 of the administrative code.

~~—p.q.~~ Perform such additional and related duties as may be prescribed by local law.

~~—q. r.~~ As a part of the budget process, provide ~~the finance commissioner and budget director~~ the county executive with an annual plan of investment and interest earnings.

~~—r. s.~~ Have custody of all accounts, ~~except the vendor bank account which is in the custody of the commissioner of finance.~~

~~—t.~~ Be responsible for the provision of all accounting services to all county departments, offices and units as part of a centralized accounting system.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 8-1988.

Amended by Local Law No. 4-1985.

Article 19 was formerly numbered Article XII.

## **ARTICLE 20~~XIII~~** **COUNTY CLERK**

Section	2001 <del>1301</del> .	Election.
	2002 <del>1302</del> .	Powers and Duties.

Section 2001~~1301~~. Election. There shall be a county clerk who shall be elected from the county at large. ~~His~~His or her term of office shall begin with the first day of January next following ~~his~~his or her election, and shall be for four years except as otherwise provided in this charter. At the time of ~~his~~his or her election and throughout ~~his~~his or her term of office ~~he~~he or she shall be a qualified elector of the county. ~~He~~He or she shall devote ~~his~~his or her whole time to the duties of ~~his~~his or her office and shall hold no other public office.

Section 2002~~1302~~. Powers and duties. Except wherein consistent with this charter, the county clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. ~~He~~He or she shall perform such additional and related duties as

may be prescribed by local law.

Article 20 was formerly numbered Article XIII.

**ARTICLE 21~~XIV~~**  
**DISTRICT ATTORNEY**

- Section 2101~~401~~. Election.
- 2102~~402~~. Powers and duties.

Section 2101~~401~~. Election. There shall be a district attorney who shall be elected from the county at large. ~~His~~His or her term of office shall begin with the first day of January next following ~~his~~his or her election, and shall be for four years except as otherwise provided in this charter. At the time of ~~his~~his or her election and throughout ~~his~~his or her term of office ~~he~~he or she shall be a qualified elector of the county. ~~He~~He or she shall devote ~~his~~his or her whole time to the duties of ~~his~~his or her office and shall hold no other public office.

Section 2102~~402~~. Powers and duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. ~~He~~He or she shall perform such additional and related duties as may be prescribed by local law.

Article 21 was formerly numbered Article XIV.

**ARTICLE 22~~XV~~**  
**SHERIFF**

- Section 2201~~501~~. Election.
- 2202~~502~~. Powers and duties.
- 2203~~503~~. Deputies and employees.
- 2204~~504~~. Erie county holding center.
- 2205~~505~~. Appointment of superintendent.

Section 2201~~501~~. Election. There shall be a sheriff who shall be elected from the county at large. ~~His~~His or her term of office shall begin with the first day of January next following ~~his~~his or her election and shall be for four years except as otherwise provided in this charter. At the time of ~~his~~his or her election and throughout ~~his~~his or her term of office ~~he~~he or she shall be a qualified elector of the county. ~~He~~He or she shall devote ~~his~~his or her whole time to the duties of ~~his~~his or her office and shall hold no other public office.

Section 2202~~502~~. Powers and duties. The sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. ~~He~~He or she shall perform such additional and related duties as may be prescribed by local law.

- Section 2203~~503~~. Deputies and employees.
- A. The deputies and employees of the Erie county sheriff's department shall be in the

classified service under the provisions of the civil service law of the state of New York, and shall be subject to and governed and controlled by the rules and regulations of the New York state department of civil service as follows:

1. All personnel employed by the sheriff of Erie county in the following titles, shall be within the competitive class of the classified service: assistant chief deputy, criminal; deputy sheriff, criminal; senior communications officer; communications officer, chief identification officer; identification officer; principal guard; jail guard; hospital guard; matron; steward.

2. Personnel holding the following titles shall be within the non-competitive class of the classified service: chief criminal deputy; superintendent of jails; assistant superintendent of jails; cook; assistant cook; registered nurse; medical aide; extern; hospital guard (PT); special deputy (PT).

3. Personnel holding the following titles shall be within the labor class of the classified service: laborer; cleaner; kitchen helper.

4. Personnel holding the following titles shall be within the exempt class of the classified service: protestant chaplain; catholic chaplain.

5. Detective deputies and special deputies shall be temporary assignments, to be made by the sheriff from the ranks of the criminal deputies, and to serve at his or her pleasure, within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.

B. Personnel holding the following titles shall be continued within the classification known as "Flaherty": undersheriff; inspector; deputy sheriff, civil (including court deputies); deputy sheriff, female; secretary to the sheriff; principal deputy, courts; assistant chief deputy sheriff, civil; assistant to bookkeeper; chief account clerk; senior account clerk; cashier; senior clerk stenographer; clerk stenographer; clerk typist; telephone operator. Appointments to these positions shall be made by the sheriff, to serve at his or her pleasure within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.

C. All titles other than those listed in subdivisions A and B above shall be classified in accordance with the rules and regulations of the civil service law of the state of New York.

D. All personnel employed by the Erie county sheriff's department who hold positions which are within the classified service under the New York state civil service law and who have served for one year in their respective positions prior to the effective date of this local law shall be covered-in in the respective positions without further examination.

Subsection D. Added by Local Law No. 5-1973.

NEW section 2203 (formerly 1503) Added by Local Law No. 4-1973.

Former section 1503 **REPEALED** by Local Law No. 4-1973.

Former section 1503 Added by Local Law No. 2-1969

1969 Local Laws of Cities, Counties, Towns and Villages.

Section 2204~~1504~~. Erie county holding center. The Erie county jail shall be known hence forth as the Erie county holding center. Whenever the terms "Erie county jail", "county jail", or "correctional facility" when used in reference to the Erie county jail, or any variations of these terms appear in this charter, the Erie county administrative code, or in any other statute, local law or ordinance, they shall be deemed as applying to the Erie county holding center.

Added by Local Law No. 12-1973.

Section 2205~~1505~~. The sheriff shall appoint the superintendent of the Erie county correctional facility to serve at ~~his~~ his or her pleasure. At the discretion of the Sheriff, the superintendent may hold another position within the Erie county sheriff's department. In such a case, the superintendent shall only be paid the salary of one position as designated by the sheriff. Added by Local Law No. 5-2000.  
 Article 22 was formerly numbered Article XV.

**ARTICLE 23~~XVI~~**  
**OTHER COUNTY BOARDS, OFFICERS, INSTITUTIONS AND**  
**FUNCTIONS**

Section	2301 <del>1601</del> .	Board of elections.
	<del>1602.</del>	<del>Erie county medical center; board of managers; chief executive officer; treasurer. [Deleted.]</del>
	<del>1603.</del>	<del>County laboratory; director; advisory board. [Deleted.]</del>
	<del>1604.</del>	<b>REPEALED.</b>
	2302 <del>1605</del> .	Traffic safety advisory board.
	2303 <del>1606</del> .	Department of Probation and Youth Detention.
	2304 <del>1607</del> .	Other boards; how appointed.
	<del>1607-a</del> 2305	Advisory boards.
	2306 <del>1608</del> .	Additional appointments by county executive.
	2307 <del>1609</del> .	Miscellaneous administrative functions.
	2308 <del>1610</del> .	Erie and Niagara counties regional planning board.  Erie county home commissioner.
	<del>1611.</del>	<del>Support of public libraries.</del>
	<del>1612.</del>	<del>Support of public libraries. [Deleted.]</del>
	<del>1613.</del>	<del>Board of Trustees of Erie community college. additional powers. [Deleted.]</del>

Section 2301~~1601~~. Board of elections. The board of elections, its powers and duties and the method of appointment of the members thereof by the county legislature shall continue as provided by law.

Section 1602.—Erie county medical center; board of managers; chief executive officer; treasurer.

—A. Legislative Intent. It is found, declared and determined that the Erie county medical center is a public purpose institution and was built and exists in all respects for the benefit of the people of the county of Erie to provide quality services without respect to ability to pay. The exercise by the board of managers of its ascribed functions, powers and duties as herein after provided, constitutes the performance of an essential public governmental purpose.

—B. 1. There shall be a medical center board of managers of thirteen members who are resident citizens of the county of Erie appointed for five year staggered terms. The county executive shall make the appointments for ten positions, the chairman of the Erie county legislature shall make the appointment for one position, and the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie county legislature shall by majority vote make the appointment each for one position, and all such appointments shall be subject to confirmation by the Erie county legislature.

—2. Of those eleven members first appointed, three shall have been appointed for a term of five years, two appointed for a term of four years, two appointed for a term of three years, two appointed for a term of two years, and two appointed for a term of one year. The chairman of the Erie county legislature shall designate one of the two positions which next become vacant by expiration of the original term after approval of this local law at referendum, which position shall then and thereafter be the position to be appointed by the chairman of the Erie county legislature with the appointee serving for a term of five years. The two board members first appointed by the members of the Erie county legislature shall each serve for a term of four years.

Appointments of successors shall be for the full term of five years except that the appointment of a person to fill a vacancy occurring by death, resignation or cause other than the expiration of a term shall be made for the unexpired term. Board members shall hold over and continue to discharge the duties of their office after the expiration of the terms of their appointment, until a successor has been chosen and qualified. Nothing contained herein shall divest any present board member of his previously appointed term and any present vacant position shall be filled for the balance of the original term. The provisions of subdivision three of section one hundred twenty seven of the general municipal law shall apply with respect to vacancies in the office of any board member. Amended by Local Law No. 6-1995.

—3. No member of the board shall serve in any salaried or elected position in the Erie county government. No member of the board of managers shall have any financial interest in the medical center nor shall any member sit on an advisory or governing board of any other hospital. Members shall serve without compensation for their services as members of the board except as otherwise provided by resolution of the Erie county legislature. Members shall, however, be entitled to be reimbursed for actual expenses in performing the duties of their office.

—4. The county of Erie hereby agrees to confer upon each present or future member of the board of managers the benefits of section eighteen of the public officers law of the state of New York, as it now exists or hereafter may be amended, and to be held liable for the costs incurred by each such board member under the provisions of such section.

—C. The board of managers shall have and exercise all the powers and duties of a board of managers of a public general hospital under New York statutes not inconsistent with the provisions of this section of the Erie county charter, and shall also have and exercise those

powers and duties conferred or imposed on the board by the Erie county charter, the administrative code, and subsequent local law. Except as otherwise specifically provided, this section shall supersede all other provisions of the Erie county charter and administrative code as to the matters herein contained, and in accordance therewith, the board shall exclusively have and exercise the following powers and duties:

—1. The board shall have the general superintendence, management and control of the Erie county medical center and of the Erie county home and infirmary, and of the grounds, buildings, officers, employees, staff and patients thereof; and of all matters relating to the government, discipline, contracts (except for collective bargaining agreements), and fiscal concerns of the medical center. The board shall make such rules and regulations as may seem to it necessary for carrying into effect the purposes of the medical center and of the home and infirmary and providing for its operation and sound management. Nothing contained herein shall effect the responsibility of the county of Erie to negotiate with the recognized and certified collective bargaining agent for the employees at the medical center or the home and infirmary. Whenever used within this charter, the term Erie county medical center or the term medical center shall be deemed to include the Erie county home and infirmary unless otherwise stated.

Amended by Local Law No. 7-1995.

—2. The board shall maintain an effective inspection of the medical center and keep itself informed of the affairs and management thereof and shall periodically review the progress, environment, and direction of the medical center. The board shall adopt by laws which among other things shall govern the time, place, and conduct of board meetings.

—3. The board shall provide for the medical care and treatment of all persons admitted to the medical center; and shall appoint and may remove members of the medical and dental staff; and shall establish rules and regulations governing the service thereof and approve the medical dental staff by laws which shall comply with the New York state public health law and all other applicable laws and regulations, provided that nothing herein shall diminish the rights and protections guaranteed by any collective bargaining agreement.

—4. The board shall appoint and, subject to legislative appropriations provided therefor and the provisions of paragraph 8(a) of subdivision C of this Section, fix the compensation of the medical center chief executive officer, medical director, chief financial officer, chief operating officer, associate administrator for health systems development and the administrator of the Erie county home and infirmary.

Amended by Local Law No. 7-1995.

Amended by Local Law No. 6-1995.

a.—The chief executive officer shall be appointed on the basis of his training and experience in hospital administration, shall not be a member of the board, and shall hold office at the pleasure of the board. The chief executive officer of the medical center shall have and exercise all the powers and duties of a superintendent of a public general hospital under New York statutes not inconsistent with this section of the Erie County Charter, and shall also have and exercise those powers and duties conferred or imposed by the Erie County Charter, the Administrative Code, and subsequent local law.

Amended by Local Law No. 7-1995.

b.—The administrator of the Erie county home and infirmary shall be appointed by the board on the basis of education, training and experience and shall possess all qualifications required of a nursing home administrator under the statutes and regulations of the state of New

York.

Added by Local Law No. 7-1995.

~~—5. The board shall elect the Erie county medical center treasurer who shall have the authority to direct that all proper bills and accounts of the medical center, including salaries and wages, be paid. The county chief fiscal officer shall disburse the funds directed paid by the medical center treasurer. The medical center treasurer shall also have the authority, subject to approval by the medical center board, the county executive, the county chief fiscal officer, and the county legislature to: (1) establish bank accounts in the name of the Erie county medical center, and deposit therein all monies received or collected by the medical center; and (2) receive and have custody of all funds of the medical center, including funds received from the county's general fund, charges, fees, medicaid, medicare, private insurers, patient payments, and funds from all other sources. The board may delegate some or all of the duties of a treasurer to a medical center chief financial officer.~~

~~—6. The board shall adopt an overall charge schedule for the medical center and approve any revisions thereto, including, but not limited to, charges for patient rooms, all ancillary services, supplies, medications and special services, provided that such charge schedule and any revisions thereto shall be consistent with all applicable statutes and regulations of the state of New York and federal government and shall not impair, prevent, or interfere with the delivery of free care to the indigent. The board shall notify the Erie county executive and Erie county legislature of all proposed fee and charge increases prior to enactment and imposition.~~

~~—7. The board may institute actions at law and in equity for the collection of claims and obligations due to the medical center from any and all causes, and may prosecute, compromise or settle such claims and obligations, or waive the collection of all or any portion of any uncollected claims or obligations, retain counsel to conduct such litigation, and contract with a private collection agency for the collection of overdue claims and obligations. No collection activity or procedure shall impair, prevent, or interfere with the delivery of free care to the indigent. The board will report at least annually to the county legislature, the county executive, and the county chief fiscal officer following action by the board waiving the collection of claims or obligations.~~

~~—8. The payment of bills and accounts payable for the operation and maintenance of and capital improvements to the medical center shall be approved by the board for expenditure by such board through the Erie county medical center treasurer subject to the following:~~

~~—a. The board shall submit a proposed tentative operation and maintenance budget, including cash flow projections, to the county executive at such time and in the format prescribed by the county director of budget and management. Said operation and maintenance budget shall be reviewed by the county director of budget and management and the county executive, who shall submit their recommendations with the county budget each year to the Erie county legislature. After final approval of the operation and maintenance budget by the county executive and the county legislature, the county shall pay to the medical center the funds designated in the county budget as the "transfer of funds appropriated from the county general fund to the Erie county medical center fund", as such designation may be amended from time to time, in periodic interim payments as agreed upon between the board, the county chief fiscal officer and the director of budget and management. The board shall have the discretionary power to make transfers and adjustments within and between all accounts within the adopted budget, as it deems necessary for the operation of the medical center. A copy of each budget transfer shall be provided to the~~

county director of budget and management and the clerk of the Erie county legislature within thirty days of the board's approval of same.

~~—b. The board shall submit a proposed tentative capital budget and program, including cash flow projections, to the county executive at such time and in such format prescribed by the county director of budget and management. Said capital budget and program shall be reviewed by the county director of budget and management and the county executive, who shall submit their recommendations with the county budget each year to the Erie county legislature. Said proposed tentative capital budget and program shall be reviewed as provided in sections eighteen hundred two and eighteen hundred three of the Erie county charter and sections 18.03 and 18.04 of the administrative code, as these sections now exist or hereafter may be amended. After final approval of the capital budget and program by the county executive and the county legislature, the board shall have the discretionary power to make transfers and adjustments between all accounts within an approved capital project, subject to any provisions of a bond or note resolution relating to the project. A copy of each such transfer shall be provided to the county director of budget and management and the clerk of the Erie county legislature within thirty days of the board's approval of same.~~

~~—c. Subject to Civil Service Law and Rules and to all provisions of applicable collective bargaining agreements, the board shall have the power to create and abolish full-time and part-time permanent or temporary positions of employment. Assignment of job groups, except in the case of the medical center chief executive officer, medical director, chief financial officer, chief operating officer, associate administrator for health systems development, and administrator of the home and infirmary, shall be certified by the County Department of Personnel. When the medical center is unable to fill a position with a qualified person at the lowest salary level for the job group assigned to the position, the board may fill such position at a higher salary increment with the assigned job group with the approval of the County Department of Personnel.~~

~~Amended by Local Law No. 7-1995.~~

~~Amended by Local Law No. 6-1995.~~

~~—d. No payment shall be authorized or made and no obligations incurred except in accordance with appropriations duly made, or except as otherwise permitted by the charter or the administrative code; provided that this shall not be construed to prevent the board from entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.~~

~~—e. If at any time during the fiscal year it appears that the medical center revenue available will not be sufficient to meet the amounts appropriated, or that the actual year to date expenditures will exceed the amounts appropriated, the board of managers shall report to the county executive and the county legislature within thirty days of the identification of the short fall the estimated amount of the deficit, remedial action to be taken, and recommendations for further action. Failure to do so shall constitute cause for removal of members of the board from office by the county executive with the approval of the county legislature. If within thirty days of making such report to the county legislature the board of managers shall not have implemented and put into effect remedial actions to the satisfaction of the county legislature, the county legislature may impose such remedial actions as it may determine to be necessary to avert or to ameliorate a deficit. The determination of whether the board of managers has implemented and put into effect such remedial actions shall be in the sole determination of the county legislature.~~

Amended by Local Law No. 7-1995.

~~— 9. a. The board shall have the power to make all purchases of, leases, and contracts for all necessary furniture, appliances, fixtures, equipment, materials, drugs and supplies, and other needed items for the operation of the medical center. The board may designate the medical center chief executive officer as its purchasing agent who in turn may delegate such function to his designee and who shall supervise the personnel responsible for the purchasing duties and responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the board.~~

~~— b. The board shall have the authority to approve all contracts for services rendered by the medical center and for services rendered to or for the medical center, including professional, technical and other consultant services, except that in the case of any hospital management contract as defined in New York State health department regulations, such contract shall also be approved by the county legislature. The board may authorize the medical center chief executive officer to sign and execute all such contracts on behalf of the medical center. No service provided by employees covered by a collective bargaining agreement shall be contracted out without conducting prior negotiations with appropriate bargaining units and following all procedures required by section two hundred nine of the civil service law of the state of New York.~~

~~— c. The board shall have the authority to make all necessary capital improvements and all necessary ordinary repairs to any existing buildings and grounds used for the medical center, provided that any capital improvements as defined in the New York state local finance law have been approved by the county executive and the county legislature as part of the capital budget. The board shall have the authority to approve all contracts for such capital improvements and ordinary repairs, except that it shall not enter into any such contracts to be financed by bonds or notes unless the county executive and the county chief fiscal officer have certified that proceeds from such bonds or notes are available. The board may authorize the medical center chief executive officer to execute all such contracts for such capital improvements and ordinary repairs.~~

~~— d. All contracts to be executed by the board or by the chief executive officer on behalf of the medical center shall be approved as to form by the county attorney. A copy of each such contract should be filed with the county attorney and the county chief fiscal officer.~~

~~— e. The procedures for purchasing, including public advertising, competitive bidding, and/or requests for proposals, shall be the same as those set forth in section three hundred six of the charter and sections 3.06, 3.07 and 19.08 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that actions may be taken by the county legislature, the action of the medical center board of managers shall be substituted and be sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the medical center chief executive officer shall be substituted and be sufficient.~~

~~— 10. The board is authorized to accept and administer all grants, awards and gifts made to the medical center by any person or outside agency including the state and federal governments. It may accept grants, awards and gifts requiring matching of funds or of other financial commitments on the part of the county only where such funds can be obtained from approved budget sources.~~

—11. The board shall have the authority to approve all certificate of need applications to be submitted to the New York state department of health. The board may authorize the chief executive officer to prepare and submit such applications. The medical center shall not eliminate or reduce any service requiring submission of a certificate of need application pursuant to the New York state public health law and regulations without notifying and consulting with the county executive and the county legislature prior to submitting such application.

—12. The board may provide for periodic, independent audits of all accounts maintained and of all bills and accounts payable out of the funds of medical center in addition to the annual independent audit provided for in sections two hundred eleven, three hundred one(n) and eighteen hundred thirteen of the charter, as these sections now exist or hereafter may be amended. All the books and accounting procedures of the medical center shall be kept in conformity with applicable state and federal requirements and shall be subject to audit by the comptroller of the county of Erie. The board shall render reports respecting any and all receipts and expenditures of the medical center as the county executive and county legislature shall request.

—13. The Erie county legislature strongly supports the relationship between Erie county medical center and the school of medicine and biomedical sciences of the state university of New York at Buffalo. The board shall take all appropriate actions to retain and enhance the benefits arising from said relationship. The medical center shall provide the Erie county legislature with an annual report on the status of the affiliation agreement and any changes related thereto.

—14. The board shall deliver to the county legislature, the county executive and the county chief fiscal officer a detailed quarterly report of the operations of the medical center and such other information as shall be requested from time to time.

[NEW section 1602 REPEALED by Local Law No. 3-2006.](#)

[NEW section 1602 Added by Local Law No. 9-1988.](#)

[Former section 1602 REPEALED by Local Law No. 9-1988.](#)

[NEW section 1602 Added by Local Law No. 2-1985.](#)

[Former section 1602 REPEALED by Local Law No. 2-1985.](#)

[Former section 1602 Amended by Local Law No. 9-1982.](#)

Section 1603.—County laboratory; director; advisory board. The county, including the towns, cities, villages and special districts situated therein, shall continue to be a county laboratory district. There shall be an Erie county laboratory, headed by a director. The county executive shall appoint a laboratory director who shall possess such qualifications as prescribed by applicable state law and regulations. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

—The director shall be responsible for the pathological, toxicological, serological, bacteriological and other laboratory work for the county laboratory district, the county health district and the county hospital or hospitals. Except as otherwise provided in this charter, he shall exercise all powers and perform all duties of a county laboratory board. The county executive shall appoint a laboratory advisory board of nine members which shall at the request of the director, and may on its own initiative, advise on matters relating to laboratory facilities and services. The chairman of the board of health, the chairman of the hospital advisory board, the

commissioner of health and the hospital superintendent shall be ex-officio members of such board. The five other members of such board at least two of whom shall be physicians licensed to practice in the state of New York, shall be appointed for five-year staggered terms.

Section 1603 REPEALED by Local Law No. 3-2006.

Amended by Local Law No. 5-1989.

Amended by Local Law No. 5-1984.

Amended by Local Law No. 9-1972.

Section 1604 REPEALED by Local Law No. 4-1967  
1967 Local Laws of Cities, Counties, Towns and Villages.

Section 2302~~1605~~. Traffic safety advisory board. The county executive shall appoint a traffic safety advisory board which shall at the request of the commissioner of public works, and may on its own initiative, advise on matters relating to traffic safety in the county.

Amended by Local Law No. 6-1972.

Amended by Local Law No. 1-1964

1964 Local Law of Cities, Counties, Towns and Villages.

Section 2303~~1606~~. Department of Probation and Youth Detention. There shall be a Department of Probation and Youth Detention headed by a commissioner ~~director~~ who shall be appointed by the county executive, subject to confirmation by the county Legislature. ~~Within said department there shall be a Probation Division and a Youth Detention Division, each headed by a deputy director.~~

Amended by Local Law No. 3-2006.

Amended by Local Law No. 6-2001.

Amended by Local Law No. 2-1987.

Section 2304~~1607~~. Other boards; how appointed. The alcoholic beverage control board, the board of trustees of the Buffalo and Erie county public library, the board of trustees of the ~~Erie county technical institute~~ S.U.N.Y. at Erie Community College, the fire advisory board and the vocational education and extension board shall continue as provided by law except that the power of appointment residing in the county legislature or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised on and after January first, nineteen hundred and sixty-one, by the county executive, subject to confirmation by the county legislature. The appointment of any head, board or agency in relation to a county sewer, water, drainage or small water shed protection district or to any other county district of a similar nature shall be by the county executive and shall be subject to confirmation by the county legislature. Except as otherwise provided in this charter or the administrative code, other appointments to boards and like units shall be made in the manner provided by applicable law.

Amended by Local Law No. 3-2006.

Section 2305~~1607-a~~. Advisory boards. To better fulfill the purpose, responsibilities and goals of each department of the county, or comply with the requirements of NYS law, citizens' advisory boards may be established. Unless otherwise stipulated elsewhere in this charter or through NYS law, advisory boards for Erie County shall be constituted as follows:

- A. New advisory boards may be established by the county executive or the county Legislature.
- B. Advisory boards shall consist of an odd number of members, at least seven and at most fifteen. Members shall be residents of Erie County.
- C. Members shall be appointed by the creating authority.
- D. Members shall serve three-year terms and may serve no more than two consecutive terms; those who have served two consecutive terms shall be eligible again after a two-year absence.
- E. The creating authority shall fill any vacancies within sixty days. If a member leaves a board before the end of his or her term, the replacement shall serve for the duration of the term; if the time remaining in the term is less than eighteen months, the replacement shall still be eligible for two consecutive full terms at the conclusion of the partial one.
- F. Each advisory board shall elect one of its members to serve a two-year term as chair; no chair may serve more than two consecutive terms.
- G. Advisory boards shall meet at least four times per year, and meetings shall be held in compliance with the Open Meetings Law. If a board fails to hold the minimum number of meetings, the creating authority shall investigate why, and is authorized to remove an ineffective chair or any inactive members, or to recommend that the Legislature abolish the board.
- H. Each advisory board chair shall submit an annual report to the county executive and the Legislature stating the board's accomplishments during the past year and plans for the upcoming year.
- I. Members of advisory boards shall serve without compensation.
- J. To further define their structure and procedures, each advisory board may adopt bylaws that are not in conflict with this section, subject to the approval of the creating authority.

Section 2305~~1607-a~~ added by Local Law No. 3-2006.

Section 2306~~1608~~. Additional appointments by county executive. The county historian, the veterans' service officer and the head of any other county administrative unit, except as otherwise provided in this charter, shall be appointed by the county executive, subject to confirmation by the county legislature. All such appointees shall serve at the pleasure of the county executive.

Amended by Local Law No. 5-2000.

NEW section 2306 (formerly Section~~1608~~) Added by Local Law No. 3-1978.

Former section 1608 **REPEALED** by Local Law No. 3-1978.

NEW section 1608 Added by Local Law No. 17-1973.

Former section 1608 **REPEALED** by Local Law No. 17-1973.

NEW section 1608 Added by Local Law No. 15-1973.

Former section 1608 **REPEALED** by Local Law No. 15-1973.

Amended by Local Law No. 9-1972.

Amended by Local Law No. 1-1964  
1964 Local Laws of Cities, Counties, Towns and Villages.

Section 2307~~1609~~. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this charter or the administrative code shall be assigned by the county executive to an administrative unit under ~~his~~his or her supervision.

Section 2308~~1610~~. Erie and Niagara counties regional planning board. The county executive shall, subject to confirmation by the county legislature, appoint all Erie county members of the Erie and Niagara counties regional planning board, notwithstanding any inconsistent provisions of any general or specific law. "There shall be no ex-officio members of such board."

Added by Local Law No. 1-1974.

~~Section 1611.—Erie County Home Commissioner.\*  
REPEALED by Local Law No. 7-1995.  
Added by Local Law No. 9-1989.  
\*See also, Section 1611, Support of Public Libraries, Added by Local Law No. 7-1992.~~

~~Section 1611.—Support of public libraries.\*  
See Section 1612.  
Added by Local Law No. 7-1992.  
\*See also, Section 1611, Erie County Home Commissioner.~~

~~Section 1612.—Support of public libraries.  
—a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.  
—b. The Erie county legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie County budget.~~

~~Section 1612 REPEALED by Local Law No. 3-2006.  
Amended by Local Law No. 6-2004. (To expire on January 1, 2007)  
Amended by Local Law No. 1-2003. (To expire on January 1, 2005)  
Amended by Local Law No. 7-2001. (To expire on January 1, 2003)  
Amended by Local Law No. 6-2000. (To expire on January 1, 2002)  
Amended by Local Law No. 7-1999. (To expire on January 1, 2001)  
Amended by Local Law No. 6-1996. (To expire on January 1, 1999)~~

~~Amended by Local Law No. 1-1995, as Section 1612. (To expire on December 31, 1996)  
Added by Local Law No. 7-1992, as Section 1611.~~

~~Section 1613.— Board of Trustees of Erie community college, additional powers. The powers of the board of trustees of Erie community college formerly known as the State University Institute of Applied Arts & Sciences at Buffalo and the Erie county technical institute (hereinafter “Board”) shall continue as provided by law, except that the following additional powers shall be conveyed to the Board:~~

~~A.~~

- ~~1.— The Board shall have the authority to make all purchases and contracts, including leases of personal property, for all furniture, appliances, fixtures, equipment, materials, and supplies necessary for the efficient operation of the college to the extent that appropriations have been provided therefore in the college budget. The Board, or the president of the college acting with the authority of the Board, shall designate an individual to be its purchasing agent who shall supervise and manage the personnel responsible for the purchasing duties and perform the responsibilities hereunder in conformity with the provisions of this section, generally accepted principles of management and procurement, and policies established from time to time by the Board. Except as otherwise provided by law, authority to enter into contracts for capital improvements and real property leases of college property shall continue to be vested in the county.~~
- ~~2.— The procedures for purchasing, including public advertising and competitive bidding, shall be the same as those set forth in section three hundred six of the charter and section 3.06 and 3.07 of the administrative code as these sections now exist or hereafter may be amended, except that where those sections specify that action may be taken by the county legislature, the action of the Board shall be substituted as sufficient, and where those sections specify that action may be taken by the county executive, the division of purchase and/or the purchasing director, the action of the purchasing agent of the college shall be substituted as sufficient.~~
- ~~3.— The Board shall have the authority to approve all contracts for professional, technical and other consultant services to be rendered to or for the college, which are not required to be competitively bid pursuant to the General Municipal Law, provided that such services to be rendered to or for the college shall not exceed \$50,000, and provided further that the Board complies with the procedure for requests for proposals set forth in Section 19.08 of the administrative code as this section now exists or hereafter may be amended, except that where section 19.08 specifies that action shall be taken by the county legislature, the action of the Board shall be substituted as sufficient, and where 19.08 specifies that action shall be taken by the department head or administrative unit head, such action may be taken by the president of the college.~~
- ~~4.— No services provided by employees of the college shall be contracted out~~

~~without complying with appropriate existing collective bargaining agreements and following the procedures required by section two hundred nine of the civil service law of the state of New York, if applicable.~~

- ~~5. All contracts entered into pursuant to this subsection A shall not be valid and enforceable until approved as to form by the county attorney. With regard to contracts entered into pursuant to subdivision 1 of this subsection Q, such contracts shall be approved by the purchasing agent of the college and the county attorney. With regard to contracts entered into pursuant to subdivision 3 of this subsection A, such contracts shall be approved by the Board and the county attorney. The Board may designate the president of the college to execute, on behalf of the Board, contracts entered into pursuant to subdivision 3 of this subsection A.~~
- ~~6. No purchase shall be made pursuant to this subsection A unless sufficient funds exist therefore from budgetary appropriations or other funding sources, or except as otherwise permitted by law. However, the Board shall not be prevented from entering into any lawful contract or lease of personal property providing for the payment of funds beyond the end of the college's fiscal year.~~

~~B.~~

- ~~1. Subject to the civil service law and rules and to all provisions of applicable collective bargaining agreements, the Board shall have the power, through its existing budgetary process, to create and abolish full time and part time permanent or temporary positions of employment. The Board or the president of the college acting with the authority of the board, will designate a personnel agent who shall act in place of the Erie County commissioner of personnel and have the same powers and duties of the commissioner of personnel as set forth in the Erie County charter and administrative code, with regard to employment and personnel matters within the college. The president or the college's personnel agent, acting with authority of the Board, may execute all necessary documents relating to the appointment to employees and payroll of the college. Subject to the requirements of Civil Service law and rules and provisions of existing collective bargaining agreements, the college personnel agent shall submit required documentation to the county commissioner of personnel. Assignment of job groups, to the extent required by law shall be certified by the Erie county department of personnel. When the college is unable to fill a non-managerial/confidential position with a qualified person at the lowest salary level for the job group assigned to that position, the Board may fill such position at a higher salary increment with the assigned job group.~~
- ~~2. Except as otherwise permitted by law, no position of employment shall be created by the college unless sufficient funds exist therefore from budgetary appropriations or other funding sources. Subject to existing or future laws, regulations and collective bargaining agreements, positions may be created and abolished by the college during its fiscal year.~~

3. ~~Notwithstanding any provision contained in this subsection B, the county and the college shall negotiate on behalf of the college, and the county attorney shall approve as to form, all collective bargaining agreements and other contracts with civil service unions to which the college is a signatory. With respect to collective bargaining agreements and other contracts with civil service unions to which the college is not a signatory, but involve employees at the college, the college shall be permitted to participate in negotiations as part of a negotiating team.~~

C. ~~All provisions of this charter and the administrative code relating to Erie community college, which have not been otherwise amended by the section or other local laws, shall continue in full force and effect.~~

Article 23 was formerly numbered Article XVI.  
~~Section 1613 REPEALED by Local Law No. 3-2006.  
Amended by Local Law No. 3-2003, as Section 1613~~

## **ARTICLE 23-~~AXVI-A~~**

### **ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

Section	23-A- 01 <del>1620</del> .	Declaration of policy.
	23-A- 02 <del>1621</del> .	Establishment of the Erie county environmental management council; membership.
	23-A- 03 <del>1622</del> .	Powers, duties and functions of the council.
	23-A- 04 <del>1623</del> .	Compensation and expenses.
	23-A- 05 <del>1624</del> .	Effective date.

Section 23-A-01~~1620~~. Declaration of policy. The legislature hereby finds and declares that the management and conservation of our environment is essential to the health and well-being of the people of the county. Local understanding of the importance of all aspects of the environment is necessary for the most wise and balanced use of our natural resources. Local and inter-municipal participation is imperative in the planning and control of activities which influence the ecological balance of the county and the natural and functional beauty of its surroundings.

The legislature, therefore, deems it in the best interest of the county that a county environmental management council be responsible for reviewing and advising local and state government on present and proposed methods and plans for preserving, enhancing, and using the environment for the protection and benefit of all the people, and for fostering unified action on

environmental problems among local governments and among public and private agencies and organizations operative within the county.

Section 23-A-02~~1621~~<sup>1621</sup>. Establishment of the Erie county environmental management council; membership. There is hereby established, pursuant to article nineteen of the conservation law and the municipal home rule, a county environmental management council, to be known as the Erie county environmental management council, hereinafter called the council. The council shall be appointed by the county executive, subject to the confirmation of the legislature, and shall consist of twelve members at large and one member recommended to the county executive by and from each town, village or city environmental or conservation management council established by the official governing body of such town, village or city. The term of all members shall be two years. Vacancies on the council shall be filled in the same manner as the original appointment except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term. In addition, the commissioner of environment and planning, the commissioner of health, and are representative of the Erie and Niagara counties regional planning board shall be ex-officio voting members of the council.

The county executive shall appoint one member of the council as chairman thereof. The council shall meet at least four times each year. The council shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file the annual report and plan as provided in section sixteen hundred twenty-two of this law.

Amended by Local Law No. 2-1977.

Amended by Local Law No. 16-1974.

Amended by Local Law No. 1-1972.

Section 23-A-03~~1622~~<sup>1622</sup>. Powers, duties and functions of the council. The council shall review the state of the county environment as a whole, and shall present a preliminary report of its findings to the county executive and the legislature on or before September first, nineteen hundred seventy one and a full report annually thereafter. The council shall cooperate with the planning commissioner in annually preparing a plan for the protection of the county's environment and the management of its natural resources, and shall transmit it to the county executive and the legislature. The council shall investigate and recommend to the county executive and the legislature ecologically sound methods of planning the use of the county's resources.

The council shall investigate all of the operations of county government in its various departments with respect to the environment and ecology of the county, analyze such investigation, and within three months after its creation report to the county executive and the legislature the feasibility and the advisability of creating in the county of Erie a department of environmental conservation to which all of the presently scattered activities with respect to the environment and ecology would be transferred for administration in a manner similar to that of the New York state department of environmental conservation.

The council shall prepare and keep current an index of all open areas within the county, including but not limited to those open land areas, scenic and natural features, natural areas, shorelines, marshlands, swamps, and other wetlands in the county and including such lands owned by any municipality within the county, for the purpose of obtaining information pertinent

to the preservation, enhancement, and use of such areas. The council may recommend to the county executive and legislature a program for the protection, preservation, and use of such areas.

The council shall advise and make recommendations to the county executive and the legislature as they may direct or as may be deemed appropriate on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the county insofar as they have a bearing on environmental quality and on the effects of man's activities and development on environmental quality.

The council shall develop, recommend and assist in the conduct of a program of public information in the county which shall be designed to increase understanding of the environmental problems and issues and to foster support for their solutions.

The council shall develop, recommend and assist in the conduct of a program to improve the coordination and effectiveness of public and private projects and activities in the county in accord with the purposes of this law, working in cooperation with the environmental or conservation commissions in the cities, towns, and villages within the county and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action.

The council shall maintain liaison with local and regional planning agencies, regional water resources planning and development boards, environmental management councils or their equivalents in counties adjacent to the county of Erie, and other such public and private regional bodies in the United States and Canada affecting the conservation of environmental quality, with the purpose of improving coordination of planning and activities.

To assist in carrying out the aforementioned functions the council may:

a. Conduct or recommend studies, surveys and inventories as are in accord with the general purposes of this law, and do so with appropriate coordination with existing or prospective work of a similar nature performed by federal, state, county, municipal, or private agencies and organizations.

b. Cooperate with and assist such other governmental or non-governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county executive or legislature may direct.

c. Advertise, prepare, print, and distribute books, maps, charts, and pamphlets if in its judgment and within appropriations therefor it deems them necessary for its work.

d. Hold public and private hearings for specified purpose of this law.

e. Report its findings to the county executive, county legislature, public and private agencies and organizations, and interested private citizens.

Section 23-A-04~~1623~~. Compensation and expenses. Unless otherwise provided by recommendations of the county executive and resolution of the legislature, the members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.

Section 23-A-05~~1624~~. Effective date. This local law shall take effect immediately. Added by Local Law No. 3-1971.

Article 23-A was formerly numbered Article XVI-A.

**ARTICLE XVI-B**  
**ERIE COUNTY CONSUMER PROTECTION COMMITTEE**

Section	1630.	<del>Establishment, powers and duties.</del>
	1631.	<del>The county executive.</del>
	1632.	<del>Membership.</del>
	1633.	<del>Executive director.</del>
	1634.	<del>Effective date.</del>

~~— Section 1630. — Establishment, powers and duties. There is hereby created, the Erie county consumer protection committee, hereinafter called the committee. The committee:~~

~~— 1. Shall undertake activities to encourage business and industry within the county to maintain high standards of honesty and fair business practices, and to act responsibly in the production, promotion and sale of consumer goods and services, in the extension of credit and in the collection of consumer debts;~~

~~— 2. Shall investigate and analyze resources and services available to consumers within the departments of Erie county government and programs funded by Erie county and shall recommend measures to coordinate, consolidate or expand these resources and services to provide maximum efficiency and effectiveness;~~

~~— 3. May conduct investigations, research studies and analysis of matters affecting the interests of Erie county consumers;~~

~~— 4. May obtain and assemble statistical data reflecting consumer and business trends, and incidence of consumer abuses;~~

~~— 5. Shall increase consumer awareness and competence through the development of educational programs emphasizing preventive education, the creation and distribution of publications, the use of communications media and a speakers bureau;~~

~~— a. may formulate and publicize a comprehensive program for the most efficient consumer utilization of the specialized resources of public agencies within the county and may encourage private organizations to formulate and publicize a comprehensive program for the most efficient consumer utilization of the specialized resources of private organizations within the county;~~

~~— 6. May represent consumer interests before administrative and regulatory agencies and legislative groups;~~

~~— 7. Shall assist, advise and cooperate with federal, state, county, and local government agencies and public and private organizations to protect and promote the interests of the consumer;~~

~~— a. may foster a united consumer effort through communication and cooperation with private organizations and individuals in the county;~~

~~— b. may coordinate private and/or public efforts and encourage consumer support on particular issues, and may cooperate with and encourage similar state and national efforts;~~

~~— 8. Shall cooperate in the enforcement of federal, state and local laws, codes, rules and regulations for consumer protection, and may recommend amendments to or innovations in such~~

laws, codes, rules and regulations including the creation of consumer forums;

- a. may cooperate with public agencies and private organizations in the development of standards and quality grades for consumer goods and services;
- b. may evaluate the impact of new or amended federal, state or local consumer protection legislation codes, rules, or regulations upon existing laws, codes, rules and regulations and may recommend to the proper legislative bodies or regulatory agencies, appropriate amendments;
- c. may study, analyze and conduct research on the operation of consumer laws, codes, rules and regulations in other jurisdictions.

— 9. Shall monitor the operation and progress of public and private agencies and organizations charged with the detection of consumer abuses and/or enforcement of consumer remedies;

- a. shall report to appropriate law enforcement and regulatory agencies, information concerning alleged, suspected or ascertained violation of consumer protection laws, and fraudulent, deceitful or injurious business practices within the county;
- b. shall, within six months from the date of enactment of this legislation, survey all agencies and organizations which receive, investigate or act upon consumer complaints and report to the county executive and the county legislature, its findings as to the jurisdiction, responsibility, authority, mode of operation and efficacy of such agencies and organizations;
- c. shall recommend how these agencies and organizations may be assisted in fulfilling their responsibilities, expectations or legal mandate. The committee's recommendation may include proposals for funding, making service contracts, expanding, reorganizing or establishing governmental units and foretaking any other measures designed to provide full consumer protection to the citizens of Erie county;
- d. upon the ascertainment of an area where the making of a recommendation to such an agency or organization is necessary, and consistent with existing laws, the committee shall have the duty to execute the steps which will accomplish the goal of full consumer protection and shall be able to negotiate and contract directly with any agency, organization or individual for services which will accomplish the aforestated goal;

— 10. Shall submit an annual report of its activities and recommendations to the county executive and county legislature, and may submit to the county executive and the county legislature interim reports and recommendations.

— 11. Shall have a minimum of nine public meetings each year at which meetings the business of the committee shall be conducted.

— 12. May exercise and perform such other powers, duties and functions consistent with existing laws, which it deems necessary and appropriate to protect and promote the welfare of Erie county consumers.

— Section 1631. — The county executive. To effectuate the purpose of this article, the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as will enable the committee to properly effectuate its powers and duties.

— Section 1632. — Membership. The committee shall consist of nineteen members, appointed by the county executive and subject to confirmation by the legislature.

— The members appointed by the county executive pursuant to local law number twenty for nineteen hundred seventy three shall continue to serve as follows: the members appointed to

~~serve terms ending December thirty first, nineteen hundred seventy four shall continue to serve until December thirty first, nineteen hundred seventy four; the members appointed to serve terms ending December thirty first, nineteen hundred seventy five shall continue to serve until December thirty first, nineteen hundred seventy five.~~

~~— Thereafter, all appointments shall be two year terms.~~

~~— The county executive shall, after consultation with the committee, fill any vacancy by appointment within thirty days of the occurrence of said vacancy. Any vacancy occurring other than by membership term expiration shall be filled by the county executive by appointment for the unexpired term.~~

~~— The county executive shall designate one member to serve as committee chairman. Upon the expiration of the term of membership of a chairman, or in the event of a vacancy occasioned other than by expiration of membership term in the office of chairman, the county executive shall appoint a successor to that office from the committee membership.~~

~~— A member may resign by giving written notice to the county executive and to the committee's executive director.~~

~~— The committee shall promulgate such bylaws as are necessary to fulfill its responsibilities.~~

~~— Pursuant to section 19.02 of the county administrative code, no member shall receive compensation for services rendered the committee, but each member shall be reimbursed for actual and necessary expenses incurred in the performance of his duties.~~

~~— Section 1633. — Executive director. There is hereby created in the office of the county executive, an executive director of the Erie county consumer protection committee, who shall be responsible to the committee. Upon review of the committee's recommendations regarding the selection of an executive director, the executive director shall be appointed by the county executive. The executive director shall be responsible to the committee for the administration of, and all of the committee's clerical work including the preparation of agendas, the distribution of minutes and the handling of correspondence; preparation and supervision of news and publicity releases, exhibits, displays, radio and television announcements, feature stories and other public relations material; work closely with federal, state, county, local, public and private consumer protection organizations and agencies; meet with various county and other governmental employees and officials and outside groups to carry out the policies of the committee; edit and supervise the printing and distribution of committee publications; and perform such duties as are necessary to fulfill the committee's responsibilities. The executive director shall make such reports to the committee at a time and in a manner as are deemed necessary or desirable by the committee.~~

~~— Section 1634. — Effective date. This law shall take effect immediately.~~

~~[Article XVI B REPEALED by Local Law No. 3-2006.](#)~~

~~[NEW article XVI B Added by Local Law No. 18-1974.](#)~~

~~[Former article XVI B REPEALED by Local Law No. 18-1974.](#)~~

~~[Former article XVI B Added by Local Law No. 20-1973.](#)~~

**ARTICLE XVI C**  
**ERIE COUNTY CITIZENS COMMITTEE ON RAPE AND SEXUAL**  
**ASSAULT**

Section	1640.	Establishment, powers and duties.
	1641.	The county executive.
	1642.	The sheriff.
	1643.	Membership; meetings.

—Section 1640.— Establishment, powers and duties. There is hereby created the Erie county citizens committee on rape and sexual assault, hereinafter called the committee. The committee shall:

—1. Coordinate and execute a county wide program following the guidelines of the comprehensive report submitted by the Erie county task force on rape and sexual assault, for the total consideration of dealing with offenses of rape and sexual assault; such programs to include, but not to be limited to, the basic areas of law enforcement, criminal justice, medical services, counseling services, training and education, and the total goal of which will be to provide for considerate regard of the victim, while bringing offenders to justice, together with a model educational and preventive program aimed at reaching both sexes and all age levels through a community education and information program.

—2. Make recommendations to other agencies and organizations for changes in procedures and functions which will provide for a unity of approach, procedure, training, public education, and information, for the accomplishment of its goals.

—3. Maintain a volunteer supportive advocate program. The volunteer supportive advocate program provides immediate support to victims of sexual assault at the hospital and courts. In order to maintain this program the commissioner of mental health shall provide for a half time coordinator of the volunteer supportive advocate program either through a position in his department, or through an appropriate agency which provides mental health services to the residents of Erie county pursuant to contract with the county. The commissioner shall appoint the coordinator from a list of qualified candidates submitted by the committee. Each such candidate shall either be an employee of the county or an employee of a mental health contract agency. If the half time coordinator position for the volunteer supportive advocate program is provided through a mental health contract agency, the agreement with that agency shall be submitted to the committee for review and comment prior to the execution thereof.

—4. Evaluate the work of the various community and governmental agencies charged with the administration of the programs previously instituted by the committee set forth in 1 and 2 above. The committee shall advise either the county executive or sheriff of the results of these evaluations and if during the evaluation process it appears that the committee's goals and objectives for a comprehensive sexual assault program have not been met the committee may request action of the county executive or the sheriff in implementing recommendations.

—Section 1641.— County executive. To effectuate the purposes of this article, the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as he feels can reasonably be provided and should be provided to properly effectuate the goals of the committee.

—The county executive will appoint a person to serve as a liaison between the committee and

~~the county executive. The responsibilities of this person shall include but not be limited to providing the committee with information with respect to the functionings of the county government insofar as they relate to the business of the committee.~~

~~— Section 1642. — Sheriff. The sheriff will appoint a person whose function will be to serve as liaison between the committee and the Erie county sheriff's department. The responsibilities of this person shall include but not be limited to providing the committee with information with respect to the functionings of the Erie county sheriff's department insofar as they relate to the business of the committee.~~

~~— Section 1643. — Membership; meetings. The committee shall consist of twenty members. Ten members shall be appointed by the county executive subject to confirmation of the county legislature, and ten appointed by the Erie county sheriff, subject to the confirmation of the county legislature.~~

~~— Upon the occurrence of a vacancy for whatever reason, the chairperson of the committee shall notify the clerk of the Erie county legislature. A vacancy occurring for reasons other than expiration of a term of a member shall be filled by appointment by the original appointing officer for the unexpired term, subject to confirmation by the county legislature. All vacancies occurring on the committee shall be filled by the original appointing officer within thirty days of the occurrence of the vacancy.~~

~~— A committee member may resign by giving written notice to the official by whom he/she was appointed and to the chairperson of the full committee.~~

~~— A committee shall annually by majority vote of its membership designate a chairperson, vice-chairperson and secretary.~~

~~— The committee shall meet at least four times each year with at least one meeting to be in each quarter of the year. The committee shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file an annual report with the county executive, the Erie county sheriff and the county legislature. In regard to any member of the committee who may have been appointed to the committee under any provisions of this article which were in effect prior to the enactment of the present provisions of this article, nothing herein shall be construed to require the termination of the term of any such member prior to the date on which such term would otherwise have expired.~~

~~[NEW Article XVI C REPEALED by Local Law No. 3 2006.](#)~~

~~[NEW Article XVI C Added by Local Law No. 4 1977.](#)~~

~~[Former article XVI C REPEALED by Local Law No. 4 1977.](#)~~

## **ARTICLE XVI-D**

### **ART AND CULTURE IN PUBLIC PLACES BOARD**

Section	1645.	Legislative findings and declaration of policy.
	1646.	Art and culture in public places board.
	1647.	Duties.
	1648.	Effective date.

—Section 1645.— Legislative findings and declaration of policy. It is hereby found that many of our citizens lack the opportunity to view, enjoy or participate, free of charge, in musical concerts, dance and ballet recitals, art exhibits, the theater, and other examples of cultural, historical and literary displays. It is hereby further found that, the practice and enjoyment of the arts and culture are of increasing importance and that the general welfare and quality of life of the people of Erie county will be promoted and enhanced by giving further recognition of arts and culture as a vital aspect of our community and heritage.

—It is hereby declared to be the policy of the county of Erie to join with various groups, associations, organizations and institutions concerned with arts and culture to insure that the role of the arts in our county will continue to grow and will play an ever more significant part in the experience of area citizens.

—Section 1646.— Art and culture in public places board. There shall be an art and culture in public places board of the county of Erie consisting of nine members appointed by the county executive subject to confirmation by the Erie county legislature. Said members shall be broadly representative of all fields of culture and the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational, arts and cultural associations and groups, concerned with or engaged in the production or presentation of the various forms of art and culture.

—Upon this law becoming effective, the county executive shall appoint three members of the board to serve a one year term, three members to serve two year terms, and three members to serve three year terms. Thereafter all appointments shall be for two year terms. The chairman of said board shall be named by the county executive and said chairman shall serve at the pleasure of the county executive.

—Section 1647.— Duties of the art and culture in public places board. The art and culture in public places board shall stimulate, encourage and coordinate the voluntary, year round, presentation of the theater, art exhibits, cultural, historical and literary displays, musical concerts and dance and ballet recitals at all appropriate public buildings and facilities under the direct jurisdiction of the county of Erie.

—Section 1648.— Effective date. This local law shall take effect immediately.

[Article XVI D REPEALED by Local Law No. 3 2006.](#)

[Added by Local Law No. 1 1977.](#)

## **ARTICLE 23-BXVI-E\***

### **CITIZENS SALARY REVIEW COMMISSION**

Section 23-B-01~~1649~~. Establishment and membership.

23-B-02~~1650~~. Duties of commission.

Section 23-B-01~~1649~~. Establishment and membership. There is hereby established a citizens salary review commission, to be known as the citizens salary review commission of Erie county, herein after called the commission. The commission shall consist of nine members and it

shall be representative of taxpayer, civic, labor, business, professional, financial and minority groups in the county of Erie. Six members of the commission shall be appointed by the county executive. Two of the members of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a majority of the legislature. One member of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a minority vote of the legislature.

Each executive and legislative appointment to the commission shall be for a full term of three years, except that the appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term, shall be made for the unexpired term. Each member shall continue to serve until the appointment and qualification of his or her successor. Vacancies shall be filled and the appointments of successors shall be made in the same manner as original appointments by the appointing authority responsible for the original appointment. The term of office of all members of the commission shall be deemed as commencing on July first, nineteen hundred eighty-six.

Section 23-B-02~~1650~~. Duties of commission. Beginning on July first, nineteen hundred eighty-six, the commission shall review the salaries of all elected officials of the county of Erie, except for the district attorney, and report its recommendations to the county executive and the county legislature by September first of that year. The committee shall provide ample opportunity for public input prior to making its recommendations to the county executive and county legislature. Such a review of salaries set as forth above shall occur during every even year starting with nineteen hundred eighty-six.

Added by Local Law No. 6-1986.

Article 23-B was formerly numbered Article XVI-E\*.

\* See also article XVI-E, Erie County Commission on the Status of Women, Added by Local Law No. 3-1987, REPEALED by Local Law No. 3-2006..

**ARTICLE XVI-E\***  
**ERIE COUNTY COMMISSION ON THE STATUS OF WOMEN**

Section	1.	Legislative declaration of policy.
	2.	Establishment, powers and duties.
	3.	Membership, meetings.
	4.	The county executive.
	5.	Executive director.
	6.	Effective date.

— Section 1. — Legislative declaration of policy. It is hereby declared to be the policy of Erie county, New York, to eliminate discrimination in any form that may exist on account of gender; to fully utilize the potential of each citizen, regardless of gender, in order to preserve our democratic way of life; and to provide equal opportunities to all citizens, regardless of gender, in employment, education, health and mental health, housing, senior and social services, and before the law.

— Section 2. — Establishment, powers and duties. There is hereby created, the Erie county commission on the status of women, herein after called commission. The commission:

— 1. Shall develop an information system for services relating to the needs of women, and shall develop other networks and referral programs as necessary;

— 2. Shall investigate and analyze resources and services available for women within county government and programs funded by the county and shall recommend measures to coordinate, consolidate or expand those resources and services to provided maximum efficiency;

— 3. Shall strive to remove gender-based inequalities in such areas as housing, recreation, employment, education, health and mental health, senior, and social services and related matters through the development of educational programs and activities which emphasize women's rights, the creation and distribution of publications, and the use of meetings and conferences to promote equal rights and opportunities. The commission may formulate and publicize a comprehensive program in coordination with private organizations and other community groups and organizations to address the special concerns and rights of women within the county;

— 4. Shall conduct investigations, research studies and analysis of conditions which may result in unmet needs or in discrimination or prejudice because of gender;

— 5. Shall assist, advise and cooperate with federal, state, county and local governmental agencies and public and private organizations on matters involving the needs of women and gender discrimination, and shall recommend such procedures, programs, or legislation to promote equal rights and opportunities for all persons, regardless of gender;

— a. In fulfilling this responsibility, the commission may evaluate the impact of new or amended federal, state or local legislation, rules or regulations, and programs, and may recommend to the proper legislative bodies or regulatory agencies appropriate amendments;

— 6. Shall submit an annual report of its activities and recommendations to the county executive

and county legislature, and may submit such interim reports and recommendations as it deems necessary.

~~— Section 3. — Membership; meetings. The commission shall consist of fifteen members to be appointed by the county executive subject to confirmation by the county legislature. The county executive shall appoint to the commission at least two persons recommended by each of the majority and minority leaders of the legislature.~~

~~— Nominations for the remaining positions shall be actively solicited from groups which represent and are active in the area of women's concerns. The following groups shall be considered for membership on the commission: the minority community, the volunteer community, the business community, labor organizations, senior citizens, single heads of households and other appropriate groups. In addition, the departments of health, mental health, senior services, social services, youth services, and the equal employment opportunity office shall each designate one person to serve as an ex-officio non-voting member of the commission. The membership of the commission shall reflect the diversity of women and their concerns in Erie county.~~

~~— a. The term of office of each of the appointive members shall commence on July first of the year of appointment and shall be for a period of three years. At the expiration of a member's term, said member will be eligible to be reappointed for a second term of three years. No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each. Of the members first appointed, seven shall be appointed for terms which will expire in two years, and eight shall be appointed for terms which shall expire in three years.~~

~~— b. The commission shall have a minimum of ten public meetings each year at which meetings the business of the commission shall be conducted.~~

~~— c. Vacancies for unexpired terms shall be filled in the same manner as original appointments. The county executive shall submit the names of a successor for any unexpired term to the county legislature for confirmation within sixty days of the vacancy. Each member appointed to serve in the event of a vacancy will be eligible to serve the remainder of the unexpired term and shall be eligible at the end of the unexpired term to be reappointed pursuant to this article to serve two full terms commencing at the expiration of the initial term for which the appointment was first made.~~

~~— d. The commission shall annually designate one member to serve as commission chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the commission shall appoint a successor to that office from the commission's membership.~~

~~— e. A member may resign upon giving written notice to the commission's chairperson and the county executive.~~

~~— f. The commission shall promulgate such by-laws as are necessary to fulfill its responsibilities under this article.~~

~~Amended by Local Law No. 5-1993.~~

~~Amended by Local Law No. 7-1988.~~

~~— Section 4. — The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit to provide~~

such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

~~—Section 5.—Executive director. There shall be, in the office of the county executive, an Erie county commission on the status of women, with a salaried executive director, who shall be responsible to the commission. Upon review of the commission's recommendations regarding the selection of an executive director, the county executive shall appoint an executive director. The executive director shall be responsible for the work of the commission. The office of the executive director shall be responsible for the commission's clerical work including the preparation of agenda, the distribution of minutes and the handling of correspondence, the preparation and supervision of the printing and distribution of commission publications, and shall perform such duties as are necessary to fulfill the commission's responsibilities. The executive director shall work closely with federal, state, county, and local governmental bodies, and public and private organizations respecting women's rights in order to carry out the policies of the commission. The executive director shall make such reports to the commission at such time and in such manner as are deemed necessary by the commission.~~

~~—Section 6. Effective date. This law shall take effect immediately.~~

~~[Article XVI-E\\*, Erie County Commission on the Status of Women, REPEALED by Local Law No. 3-2006.](#)~~

~~[Added by Local Law No. 3-1987.](#)~~

~~[\\* See also article XVI-E, Citizen's Salary Review Commission, Added by Local Law No. 6-1986.](#)~~

## **ARTICLE 23-CXVI-F**

### **ERIE COUNTY COMMUNITY COORDINATING COUNCIL ON CHILDREN AND FAMILIES**

Section	23-C-01 <del>1</del> .	Legislative declaration of policy.
	23-C-02 <del>2</del> .	Establishment, powers and duties.
	23-C-03 <del>3</del> .	Membership, meetings.
	23-C-04 <del>4</del> .	The county executive.
	23-C-05 <del>5</del> .	Staff.
	23-C-06 <del>6</del> .	Effective date.

Section 23-C-01~~1~~. Legislative declaration of policy. It is hereby declared to be the public policy of Erie county, New York, to take all proper measures to preserve and strengthen the family unit and to aid in the establishment of a nurturing environment to encourage the proper development of children.

To further this policy the Erie county government provides evaluation, treatment and

preventative services to the children and families of Erie county.

The Erie county legislature finds that this policy and these services can be more effectively administered and efficiently delivered by systematic coordination among the local government, public-voluntary system of social, educational, health, mental health and other supportive and rehabilitative services to children and families.

The services system can be strengthened by:

1. Fostering cooperation among local government and both public and voluntary agencies to provide better coordination supervision of services to children and families.

2. Eliminating duplication of services where possible and maximizing service provisions through judicious use of tax dollars, grants and other funding mechanisms as may become available.

3. Stressing more meaningful accountability by providers, in all sectors, regarding the quality and quantity of services provided to children and families.

4. Improving methods of ascertaining community needs and setting program goals as they relate to services for children and families.

Section 23-C-022. Establishment, powers and duties. There is hereby created, the Erie county community coordinating council on children and families, hereafter called council. The council shall:

1. Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services.

2. Identify problems and deficiencies in existing services and recommend corrective action.

3. Improve coordination of program and fiscal resources within the children's services system.

4. Act as a liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.

5. Review and resolve administrative, and where appropriate, regulatory differences between agencies.

6. Develop long-range plans to improve services to children and families. This should be accomplished through a five year comprehensive service plan similar to those utilized by county departments.

7. Act as a forum for community discussion of issues pertaining to services for children and families.

8. Carry out any and all activities deemed necessary to accomplish the goals of the council as stated herein.

Section 23-C-033. Membership; meetings. The council shall consist of the following members: the Erie county commissioners of youth, social services, health and mental health, the director of the office for the disabled and the chief clerk from the Erie county family court, three consumer/client representatives, and five representatives from local charitable and/or community-based organizations concerned with children and families, the director of the office of probation, one representative from a suburban school district and two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and four members of the business community.

The legislature shall appoint the eight community representatives and two representatives of

the business community as follows: six to be named by the majority and four to be named by the minority. Five of these members shall serve two year terms and five shall serve three year terms. These members can only be reappointed once.

The county executive shall appoint the one representative from a suburban school district and the two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and two representatives of the business community.

The chair shall be appointed by the county executive and confirmed by the legislature, and shall not be one of the twenty-four members previously stated.

The council shall have the authority to appoint ad hoc council members to advise them, as they may deem necessary.

The council shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The council shall adopt rules and procedures for its meetings; shall keep accurate records of its meetings and activities, and shall file an annual report with the county legislature and the county executive.

The council shall convene for its first meeting in the quarter of the year in which they are appointed. The council shall present its first report to the legislature before adoption of the annual budget in the year they are appointed, and every year thereafter on June first.

The annual report shall include the methodology for acquiring accurate statistics, which the council will use to evaluate and plan for services. Also, they should report any short-term budget recommendations for the nineteen hundred ninety-three budget.

The council shall then make yearly budget recommendations and five-year service plans.

Section 23-C-044. The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit or any agency or organization receiving county funding, to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 23-C-055. Staff. The council shall be provided with a coordinator, under the auspices of the county executive to serve the council in capacities which include managing the correspondence of the council; providing a schedule of meeting dates; distributing a calendar of information on programs and events members may be interested in attending. The coordinator shall also serve as research assistant, and coordinate and implement the use of the monitoring mechanism, so that the council shall have service and program data to use in its planning efforts.

The council and its coordinator shall also have access to secretarial staff as needed to complete its tasks.

Section 23-C-066. Effective date. This law shall take effect immediately.

Amended by Local Law No. 3-1992.

Amended by Local Law No. 7-1990.

Added by Local Law No. 4-1988.

Article 23-C was formerly numbered Article XVI-F.

## ARTICLE 24~~XVI~~-G AUTONOMOUS INSTITUTIONS

Section	2401. <del>XVI-G-01</del>	Erie Community College
	2402. <del>XVI-G-02</del>	Erie County Medical Center Corporation
	2403. <del>XVI-G-03</del>	Buffalo and Erie County Public Library
	2404. <del>XVI-G-04</del>	Support of public libraries

Section 2401~~XVI-G-01~~. Erie Community College. As authorized and set forth in Article 126 of the Education Law of the State of New York and other applicable laws, there shall be a State University of New York Erie Community College (“S.U.N.Y. at ECC”), which is governed by a board of trustees. The number of trustees and their manner of appointment shall be as set forth in §6306 of said Education Law as presently constituted or hereafter amended, except that the power of appointment shall be exercised by the county executive, subject to confirmation by the county Legislature. The college’s fiscal operations shall be as set forth in Plan C of the NYS Education Law.

a. Powers and duties of board of trustees. The Board of Trustees of S.U.N.Y ECC shall have the powers and duties set forth in Article 126 of the Education Law of the State of New York and other applicable laws, including but not limited to the following which are found in Article 126 of the Education Law.

1. To appoint a president of the college, subject to approval by the State University Trustees;
2. To appoint or delegate to the president of the college the appointment of other members of the staff;
3. To adopt curricula for the college, subject to the approval of the State University Trustees;
4. To prepare a budget for submission to and approval by the County Legislature under policy and procedures for budgets found elsewhere in the Charter;
5. To discharge such other duties as may be appropriate or necessary for the effective operation of the college, and may be required by other laws.

b. Audits. The Erie County Legislature together with the county executive shall have the authority to request from time to time that an audit of ECC’s financial records be conducted under the direction of the county comptroller. The request will be made in writing by the Legislature and will not be unreasonably denied by the college.

c. Training of county personnel. S.U.N.Y at ECC is to be a dynamic, vibrant part of the college. To that end, the college and the county are to work together to find synergies between them whereby the college becomes the educational vehicle of choice for training of county personnel and the personnel in other municipalities whenever it is in the best interest of both parties—fiscally, educationally, and operationally—to do so.

Section 2402.~~XVI-G-02~~ Erie County Medical Center Corporation. The former Erie County Medical Center (ECMC) is now recognized as Erie County Medical Center Corporation (ECMCC), a public benefit corporation organized under the New York State Public Authorities

Law. Should ownership of the former Erie County Medical Center Health Care Network revert from ECMCC to the county, the county executive shall appoint a five-member board of directors to operate the hospital on an interim basis. The interim board shall, within 120 days, develop a new organizational structure for operation of the hospital, consistent with the county strategic plan and fiscal condition, subject to approval by the county Legislature and county executive manager. The interim board shall continue to operate the hospital until the new structure can be implemented, but for no longer than one year from its time of appointment.

Section 2403.~~XVI-G-03~~ Buffalo and Erie County Public Library.

The Buffalo and Erie County Library system is governed under New York State law, Chapter 768 of the Laws of 1953, and is funded under Section 259 of the Education Law. It is a corporation chartered by the New York State Board of Regents, and its board of trustees has all the powers and duties set forth in New York State law.

Section 2404.~~XVI-G-04~~ Support of public libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie county Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie County budget.

Article 24~~XVI-G~~ added by Local Law No. 3-2006.

## **ARTICLE 25~~XVII~~**

### **SERVICE RELATIONSHIPS WITH LOCAL MUNICIPALITIES**

Section	2501 <del>701</del> .	Local government functions, facilities and powers not transferred, altered or impaired.
	2502 <del>702</del> .	Contracts with public corporations.

Section 2501~~701~~. Local government functions, facilities and powers not transferred, altered or impaired. This charter shall not transfer, alter or impair any function, facility or power of any city, town, village, school district or other district.

Section 2502~~1702~~. Contracts with public corporations. The county of Erie shall have power to contract with any municipality or public authority situated within or adjacent to the county, or with any combination of such municipalities or public authorities, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. A municipality or authority receiving the benefit of a facility or service provided under any such contract shall bear all the costs and expenses occasioned by the provision thereof for such municipality or authority, including but limited to a just proportional charge for central facilities and central or administrative services related thereto.

Article 25 was formerly numbered Article XXII.

**~~ARTICLE XVII-A~~**  
**~~NARCOTICS CONTROL~~**

Section	<del>1720.</del>	<del>Narcotics enforcement board.</del>
	<del>1721.</del>	<del>Duties.</del>
	<del>1722.</del>	<del>Narcotics guidance council.</del>
	<del>1723.</del>	<del>Duties.</del>

~~— Section 1720. — Narcotics enforcement board. There shall be a narcotics enforcement board of the county of Erie consisting of four members appointed for a term of three years by the county executive subject to confirmation by the Erie county legislature plus the sheriff of Erie county who shall serve ex officio. Said members shall be selected from chiefs of police of the various police departments within the county of Erie or persons with significant experience in law enforcement. The chairman of said board shall be named by the county executive and said chairman shall serve at the pleasure of the county executive.~~

~~— Section 1721. — Duties of narcotics enforcement board. The narcotics enforcement board shall coordinate the control of the illegal use of narcotics within the county of Erie. It shall discuss and disseminate to every police department within the county new laws and recommendations for change in the law relating to the use of narcotics. It shall serve generally to control illegal activities in narcotics which cross jurisdictional lines of police enforcement.~~

~~— Section 1722. — Narcotic guidance council. There shall be a narcotic guidance council of the county of Erie consisting of five members appointed for a term of three years by the county executive subject to confirmation by the Erie county legislature. The chairman of said board shall be named by the county executive and shall serve at his pleasure.~~

~~— Section 1723. — Duties of the narcotic guidance council. The narcotic guidance council shall direct itself toward accomplishing the following:~~

~~— a. Make immediately available to the community, basic knowledge acquired in the field of drug use especially by youth;~~

- b. Create a climate in which persons seeking assistance in coping with narcotics problems can meet, without embarrassment, with responsible individuals or agencies in a position to render assistance;
  - c. Authorize persons approved by the council to contact and counsel persons within the community suspected of using narcotics or those persons allegedly having knowledge of such usage; and
  - d. Cooperate with other narcotic guidance councils and with the state, and federal narcotics commissions and agencies in bringing local and community trouble areas to their attention.
- [Article XVII-a REPEALED by Local Law No. 3-2006.](#)  
[Added by Local Law No. 1-1970](#)  
[1970 Local Laws of Cities, Counties, Towns and Villages.](#)

## ARTICLE 26**XVIII**

### FINANCIAL PROCEDURES

Section 2601~~1801~~. Fiscal year.

~~26021801~~  
~~a~~ Preparation of proposed tentative operation and maintenance budget.

2603~~1802~~. Tentative budget and capital program by county executive.

~~26041802~~  
~~a~~ Preparation of proposed tentative capital budget program.

~~26051802~~  
~~b~~ Fund balance.

2606~~1803~~. Adoption of budget Revenue and certain expense projections reviewed.

~~26071803~~  
~~a~~ Budget controls.

2608~~1804~~. Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued. Adoption of budget

2609~~1805~~. Appropriations; supplemental and emergency Levy of taxes.

2610~~1806~~. ~~Appropriations; reductions and transfer after budget adoption~~  
Appropriations; supplemental and emergency;

2611~~1807~~. ~~Certain resolutions of county Legislature subject to executive veto~~  
Appropriations; reductions and transfers after ~~re~~ budget adoption.

2612~~1808~~. ~~Certain obligations and payments prohibited~~ Certain resolutions of county Legislature subject to county executive veto.

2613~~1809~~. ~~Erie county budget act~~ **REPEALED** Certain obligations and payments prohibited.

2614~~1810~~. ~~NEVER ENACTED~~ Erie county budget act repealed.

2615~~1811~~. Limitation on county real estate taxes.

2616~~1812~~. Imposition and increases in other county taxes and fees.

2617~~1813~~. Audit committee.

2618~~1814~~. The Citizens' Budget Review Commission.

Section 2601~~1801~~. Fiscal year. The fiscal year of the county shall begin with the first day of January and end with the last day of December in each year.

Section 2602~~1801~~-a. Preparation of proposed tentative operation and maintenance budget.

a. Submission of estimates and appropriation requests. On or before the fifteenth day of August in each year, or such earlier date as the budget director may prescribe, the head of each administrative unit authorized agency shall furnish to the budget director an estimate of revenues and expenditures for the respective administrative unit or authorized agency for the next ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified by functions and activities. Estimates shall be submitted in such form and shall contain such additional information as the budget director shall prescribe; provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. All information used in creating revenue estimates shall be submitted to the comptroller by the 1<sup>st</sup> day of October in each fiscal year.

b. Periodically, the specific format of the budget and its required contents shall be submitted to the Legislature for review and comment. Such submission shall be made at least once in any two year period.

c. There shall be made available for publication listing of all activity and program-related evaluations performed in the previous two years with guidance indicating the manner in which the public can gain access to the full text of such studies.

d. All capital budget items shall include justifications based on return on investment, leverage of other revenue sources, payback period, impact on credit rating, relative value in reducing operating or capital costs, or other such appropriate measures typically utilized to justify and prioritize such expenditures.

e. The budget director annually, not less than twenty days prior to the date fixed pursuant to paragraph a. of this section, shall notify in writing the head of each administrative unit, and of each authorized agency receiving county funds pursuant to contract or otherwise during the current fiscal year, of (1) the date fixed pursuant to said paragraph a. and (2) the form and information to be contained in such estimate and request.

f. In the event that the head of any administrative unit fails to submit an estimate by the date specified, the budget director shall forthwith prepare such estimate.

g. The budget director, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation and conduct such hearings thereon as are deemed necessary. The budget director may require the head of each administrative unit or any officer or employee thereof and any authorized agency requesting county funds to furnish data and

information and answer inquiries pertinent to such review or investigation. All information used in creating revenue estimates shall be shared with the comptroller.

h. Upon the completion of the review and investigation of the estimates and requests from the various administrative units and authorized agencies, the budget director shall prepare and submit to the county executive a proposed tentative operation and maintenance budget setting forth the budget director's estimate of expenditures and revenues of the county for the next ensuing fiscal year showing a comparison with (1) the corresponding actual expenditures and revenues in the last completed fiscal year, (2) the corresponding budget items of expenditure and revenue for the current fiscal year adjusted for transfers and changes in appropriations, if any, and (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies.

A ~~Section 1801-a~~ added by Local Law No. 3-2006.

~~Section 2603~~1802. Tentative budget and capital program by county executive. On or before the 15th day of October of each year the county executive shall submit to the county Legislature a tentative budget for the ensuing fiscal year, a financial forecast for the two (2) subsequent years, a capital program for the next six (6) fiscal years, and an accompanying message.

Intent. It is essential that the proposed and adopted budgets be presented in a form which is both usable and understandable by the citizens of the County. In furtherance of this public goal, the tentative budget and capital program presented under this section, and any appropriations acts and amendments made pursuant thereto, shall contain the following information:

- 1) Transparency: The entire budget document, both tentative and adopted, shall be prepared in a manner and with language that can be easily understood by the citizens of Erie County. Such document shall also be placed on the Internet to provide easy access by the public.
- 2) Programmatic Budget. The entire budget document both tentative and adopted shall contain a separate statement organized by department or office of the individual programs conducted or supported or functions carried out by each such department or office. Such statement shall set forth, for each individual program, the major goals and objectives, a description of the need for the program, including whether mandated or discretionary, and specific outcomes related to proposed and approved expenditures for each program or function. The statement shall also include a description of the alternatives to each such program or function which were considered prior to the formulation of the submitted proposal and a detailing of the activities to be carried out, services to be supplied to the citizens of Erie County, and the functions to be performed by the individual program or function.
- 3) Quantification: Program measures and performance standards to be used in monitoring and evaluating the delivery of services, including the specification of appropriate evaluation cycles and milestones, and a description of the manner in which the citizens of the County will be able to obtain access to the results of such monitoring and evaluations.

- 4) Cost Accounting, with unit cost information: The entire budget document, both tentative and proposed shall include a clear and detailed description of the expenses to be incurred by each such individual program and function, including the cost of all county facilities to be utilized, so that a true cost accounting of the program will be obtained in order to facilitate unit cost assessment of the program in terms of units of service provided. In addition, the document shall include a clear and detailed presentation of the proposed sources of funding for such programs or functions, including the amounts to be funded directly by county appropriations, other governmental grants, reimbursements or contributions, and revenues raised directly as a result of program activity.

A ~~Section 1802~~ amended by Local Law No. 3-2006.

Section 2604 ~~1802-a~~. Preparation of proposed tentative capital budget and program.

a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative unit, including independently elected officials, shall furnish to the budget director and to the commissioner of environment a planning a description, justification and estimate for each physical public improvement of works, hereinafter called capital project, which is proposed for development during one or more of the ensuing six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; estimated costs for planning, site of right of way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director and commissioner of environment and planning may deem advisable.

b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, ~~the finance commissioner~~, the planning director, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county Legislature; the chairman, the chairman of the capital improvements committee, and the majority and minority leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county Legislature and no members of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chairman and the budget director shall be the vice chairman of this committee.

c. Upon receiving a capital project request, the commissioner of environment and planning shall study the same with special references to comprehensive plans for the county and for any affected municipality therein.

The commissioner of environment and planning shall promptly forward any such comments and recommendations regarding the proposed project to the budget director who shall submit the same, together with his or her own comments and recommendations to the capital projects committee and the development coordination board. The capital projects committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between April fifteen and August ~~September~~ fifteen at least twice, and as more often as may be required at the call of the chairman or vice chairman.

d. The development coordination board shall make such recommendations to the county executive in regard to the scope of the capital program, the relative priorities of proposed

projects and suggested means of financing as its membership may determine. At the request of the county executive, joint meetings of the capital projects committee and the development coordination board shall be held.

e. The budget director and deputy commissioner of environment and planning shall assist the development coordination board by presenting and explaining all capital project requests and shall furnish all relevant exhibits and information. The department of environment and planning shall also assist in the preparation of the capital improvement program report and all related information.

f. Proposed capital program. On or before the ~~fifteenth day of September~~ the fifteenth day of August, the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.

g. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges of previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances. The proposed tentative capital budget shall not contain any capital debt for the purpose of paying salaries, utilities, supplies or other recurring operating expenses, unless authorized under New York State Law.

~~A~~Section 1802-a. added by Local Law No. 3-2006.

Section 2605~~1802-b~~. Fund balance.

a. In presenting the tentative budget, the county executive shall report on the amount of the balance contained in all funds in the budget including unrestricted, restricted or designated funds. Such report for each fund shall be current as of September 1.

b. The county executive shall maintain a balance in all funds established in the budget equal to or greater than five percent of the amount contained in the budget of each fund in the immediately preceding fiscal year. Fund balance may be included as a revenue in an approved budget of a fund provided that there shall remain an unrestricted balance of at least five percent as provided in the first sentence of this paragraph.

c. A fund balance in any fund contained in the county budget and included as a revenue shall only be reduced to an amount less than that permitted in the second paragraph of this subsection upon a resolution separately presented and approved by the county Legislature at the time of the approval of the annual budget. A budget that is approved without a vote of the county Legislature shall not appropriate any fund balance revenue in excess of the amount provided in this subsection. The county executive's tentative budget shall indicate equivalent deletions in the tentative budget that shall be executed if the use of fund balance permitted by

this paragraph is not approved by the county Legislature.

d. Following approval of the annual budget, no additional fund balance shall be appropriated as a revenue of the county during the fiscal year without the affirmative vote of at least two-thirds of the total membership of the county Legislature.

A ~~Section 1802-b~~ added by Local Law No. 3-2006.

Section 2606~~1803~~. Revenue and certain expense projections reviewed.

On or before the 1<sup>st</sup> day of October the county executive shall submit to the comptroller all revenue estimates and expenditure estimates for Medicaid, public assistance, and pension contributions and health care insurance costs for county employees to be used in the proposed budget. The comptroller shall review all revenue estimates and expenditure estimates for Medicaid, public assistance and pension contributions and health care insurance costs for county employees to be used in the proposed tentative budget prepared by the county executive and submit to the Legislature in writing by the 15<sup>th</sup> of October a report indicating whether or not such estimates are suitable estimates for the upcoming fiscal year. Should the comptroller determine that any such revenue or expenditure estimate is not suitable for the upcoming fiscal year, the Legislature, upon notice from the comptroller may revise any such revenue estimate downward upon a two-thirds majority vote and may revise any such expenditure estimate upward by a majority vote. The Legislature shall not revise any such revenue estimate upward.

A ~~New Section 1803-a~~ added by Local Law No. 3-2006.

Section 2607~~1803-a~~. Budget controls.

a. No county officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. If one or more of the independently elected officials (clerk, comptroller, district attorney, sheriff) becomes aware of a deficit or impending deficit in his or her department, he or she shall notify the Legislature immediately so that, subject to section 1806 of this charter, remedial action can be taken. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall

continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two thirds vote of the county Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county, except for the departments overseen by the independently elected officials (clerk, comptroller, district attorney and sheriff) who shall have the power to manage their departments within the parameters of the adopted budget. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county, except for the independently elected officials (clerk, comptroller, district attorney and sheriff), shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed. The county executive may request that the Legislature impose quotas, allotments or other cost control measures on the independently elected officials (clerk, comptroller, district attorney and sheriff) if the need arises. The Legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote.

A ~~Section 1803-a~~ added by Local Law No. 3-2006.

Section ~~2608~~1803~~1804~~. Adoption of budget.

A. The county Legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county Legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the budget committee to the county Legislature concerning amendments to the county executive's tentative budget shall be presented to the Legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the budget committee report, ~~and~~ or less than forty eight hours prior to the annual meeting, shall be considered separately and voted with each line item voted on individually on the floor of the Legislature.

B. If the budget is passed by the county Legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the county executive; if, however, the budget as passed by the county Legislature contains any such additions or increases, the same shall be presented by the clerk of the Legislature to the county executive not later than the Wednesday following the first Tuesday in December, for ~~his~~ his or her consideration of such additions or increases. If the county executive approves all additions and increases, ~~he~~ he or she shall affix ~~his~~ his or her signature to a statement thereof and return the

budget and such statement to the clerk of the Legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.

C. The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which ~~he~~he or she objects with the reasons for ~~his~~his or her objections, and shall return the budget with ~~his~~his or her objections to the clerk of the county Legislature who shall present the same to the county Legislature on or before the Monday preceding the second Tuesday in December. The county Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the county Legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted.

D. If a budget with additions or increases is not returned by the county executive to the clerk of the Legislature with ~~his~~his or her objections on or before the Monday preceding the second Tuesday in December, it shall be deemed adopted.

E. If a budget has not been adopted, as herein provided, on or before the second Tuesday of December in each year, then the tentative budget as submitted by the county executive, plus all additions and increases to which ~~he~~he or she has failed to object, shall be the budget for the ensuing fiscal year.

F. Four copies of the budget as adopted shall be certified by the county executive and by the clerk of the county Legislature. One such copy shall be filed in the office of the county executive, and one each in the offices of the county comptroller, the commissioner of finance and the clerk of the county Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

~~G. In the year nineteen hundred eighty four the county Legislature may consider and act on the budget for up to three days after the Legislature of the state of New York shall adjourn, but in no event beyond the second Tuesday in December, whichever date shall first occur, except as specified in this subdivision. If the budget as passed by the county Legislature contains any additions or increases, the same shall be presented by the clerk of the Legislature to the county executive not later than the fourth day after the adjournment of the state Legislature or the Wednesday following the second Tuesday in December, whichever shall first occur, for his consideration of such additions or increases. If the county executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget and such statement to the clerk of the Legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted. If the county executive objects to one or more of such added or increased items, he shall append a statement to the budget as provided by subdivision C of this section and return the budget with his objections to the clerk of the county Legislature, who shall present the same to the county Legislature on or before the ninth day following the adjournment of the state Legislature or the Monday preceding the third Tuesday in December, whichever shall first occur. The county Legislature shall there upon enter the~~

~~objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the county Legislature vote to approve such additions and increases or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted. If the budget with the additions or increases is not returned by the county executive to the clerk of the Legislature with his objections on or before the ninth day following the adjournment of the state Legislature or the Monday preceding the third Tuesday in December, whichever is earlier, it shall be deemed adopted. If a budget has not been adopted as provided in this section on or before the tenth day following the adjournment of the state Legislature of the third Tuesday of December, whichever is earlier, then the budget for nineteen hundred eighty five shall be the budget as provided for in subdivision E of this section. In no event shall any action concerning the budget be mandated by this subdivision to take place earlier than the dates specified in other subdivisions of this section.~~

~~A~~Section 1804 amended by Local Law No. 3-2006.

Section ~~2609~~1804~~1805~~. Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued. The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the county Legislature on the taxable real property of the several tax districts of the county. The tax levy for state and county purposes shall include, in addition to the amount of state taxes to be raised and the net county tax requirement as above determined, an amount to be known as "reserve for uncollected taxes" which shall be a county charge. ~~The county Legislature shall fix the amount of such reserve at such a sum as they may deem sufficient to produce in cash from the collection of taxes and other revenues during the year moneys required to meet the estimated expenditure of such year, provided, however, that such reserve shall be not less than the face amount of taxes for the preceding completed fiscal year on real estate sold for such taxes bid in by the county but not redeemed at the end of such preceding completed fiscal year.~~ Except as otherwise provided in this charter, the Erie county tax act, being chapter eight hundred twelve of the laws of nineteen hundred forty two as amended, shall remain in full force and effect.

~~A~~Section 1805 amended by Local Law No. 3-2006.

Section ~~2610~~1805~~1806~~. Appropriations; supplemental and emergency. ~~If during any fiscal year there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the county Legislature may make supplemental appropriations for the year up to the amount of such additional revenues.~~

Supplemental appropriations. If during any fiscal year there are available revenues not anticipated in the budget for that year, the county executive may make supplemental appropriations, subject to legislative approval, for that year, up to the amount of such additional revenues.

Emergency Appropriations. To meet a public emergency affecting life, health or property, the county Legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the county Legislature may authorize the issuance of budget notes or notes in anticipation of the collection of taxes or revenues.

A ~~Section 1806 a~~ amended by Local Law No. 3-2006.

~~Section 2611 ~~1806-1807.~~ Appropriations; reductions and transfer after budget adoption. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the county executive shall report to the county Legislature without delay the estimated amount of the deficit, remedial action taken by him, and his recommendations as to further action. The county Legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated.~~

Intent: it is determined that the maintenance of a balanced budget throughout the county's fiscal year is critical to the fiscal integrity of the county and is thus an important public objective. To this end, the county executive shall recommend to the Legislature budgetary adjustments as are necessary to maintain a balanced budget on an ongoing basis.

If at any time during the fiscal year it appears, from cash flow projections or other generally accepted accounting principles, that the revenues available, as projected through the end of the fiscal year, will be insufficient to meet either (a) the amounts appropriated, or (b) expenses anticipated to be incurred through the end of the fiscal year, such that the cumulative effect thereof is a projected year-end deficit in excess of fifty percent of the county's undesignated, unreserved fund balance as of the end of the immediately preceding fiscal year, the county executive or the comptroller shall submit a report to the Legislature setting forth the estimated amount of the deficit with appropriate details and explanations. Within seven days of the submission of such a report to the Legislature, the county executive shall present a written proposal of actual remedies to overcome the deficit. The comptroller shall provide the Legislature with written comments on the county executive's proposed actions within seven days of the submission of the remedial proposal to the Legislature. The Legislature shall take under consideration the proposed remedial actions and comments presented by the comptroller and take such action as it deems necessary to prevent or minimize the deficit. Should the Legislature fail to act within twenty-one days of presentation of the written proposal of remedial actions by the county executive, the county executive's proposal shall be deemed adopted. In the event the deficit is declared and remedial actions are taken by the county executive and/ or the Legislature, no appropriation for debt service may be reduced and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required to be appropriated.

The county executive may at any time during the fiscal year transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the county Legislature shall be

required if the proposed transfer (1) would result in an increase exceeding ~~one thousand dollars~~ (\$1,000 ten thousand dollars (\$10,000)), or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total. If the county executive requests in writing, the county Legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated. On or before the 15<sup>th</sup> day of the following month the county executive shall provide the Legislature a monthly report of all transfers made pursuant to this section.

A ~~Section 1807~~ amended by Local Law No. 3-2006.

Section ~~2612~~1807-1808. Certain resolutions of county Legislature subject to executive veto. A resolution of the county Legislature for any of the following specified purposes shall be submitted to the county executive for ~~his~~ his or her approval or veto in the same manner as provided in this charter for the adoption of ordinances: (a) an allocation from the budget contingency fund; (b) a supplemental or emergency appropriation; (c) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues; and (d) the issuance of bonds, anticipation notes or capital notes.

A ~~Section 1808~~ amended by Local Law No. 3-2006.

Section ~~2613~~1808-1809. Certain obligations and payments prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local financed law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

A ~~Section 1809~~ amended by Local Law No. 3-2006.

Section ~~2614~~1809-1810. Erie county budget act repealed. the Erie county budget act, being chapter three hundred eighty three of the laws of nineteen hundred forty four as amended, is hereby repealed as of January first, nineteen hundred sixty one.

A ~~Section 1810~~ amended by Local Law No. 3-2006.

~~Section 1810. — Never Enacted.~~

Section ~~2615~~1811. Limitation on county real estate taxes. Hereafter, the amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to one per centum of the average full valuation of all of taxable real estate within the county, less the amount to be raised by tax on real estate in such year for the payment of the interest on and redemption of certificates or

other evidence of indebtedness described in paragraphs A & D of section five of article eight of the constitution of the state of New York.

The average full valuation of taxable real estate shall be determined pursuant to section ten of article eight of the constitution of the state of New York.

Section 2616~~1812~~. Imposition and increases in the other county taxes and fees. Hereafter, no new form of county tax maybe imposed, and the county of Erie's three per centum sales and use tax and fees or charges established by the county Legislature shall not be increased except by a resolution approved by: (a) the affirmative vote of two thirds of the whole number of the membership of the county Legislature, or, (b) the affirmative vote of a majority of the whole number of the membership of the county Legislature submitting a proposition for such imposition or increase to a mandatory referendum to be held pursuant to article three of the county law.

Section 2617~~1813~~. Audit committee

A. There is hereby created and established an audit committee for the county of Erie consisting of the following five members appointed for the following terms:

a. One majority member of the county Legislature to be appointed annually by the majority members of the Legislature.

b. One minority member of the county Legislature to be appointed annually by the minority members of the Legislature.

c. The county Legislature shall consider at least three qualified candidates which have been recommended by the Erie county bar association and shall initially appoint one of these nominees for a one year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

d. The county Legislature shall consider at least three qualified candidates which have been recommended by the western New York chapter of the New York state association of certified public accountants and shall initially appoint one of these nominees for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

e. The county Legislature shall consider at least three qualified candidates which have been recommended by the commercial bank located within Erie County and shall initially appoint one of these nominees for a three year term. Should fewer than three such candidates be recommended by commercial banks, the Legislature may add a resident of Erie County who has demonstrable expertise in commercial banking industry to the list of nominees. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.

With the exception of the legislative members, no appointee may serve for more than two consecutive terms. Each appointee may be removed only for cause by the respective appointing authorities. Vacancies shall be filled by members appointed by whomever make the initial appointment. A member appointed to fill a vacancy shall serve for the duration of the expired term.

B. The members of the audit committee shall annually elect their own officers. Members of the county Legislature shall not be eligible to hold such offices. The audit committee shall meet at least four times a year and shall maintain recorded minutes of all of its meetings.

C. The audit committee shall be responsible for issuing requests for proposals from certified public accounting firms for the preparation of an annual audit report and accompanying management letter for the county of Erie, ~~an annual audit report and accompanying management letter for the Erie county medical center, an annual audit report and accompanying management letter for the home and infirmary~~ and an annual report and accompanying management letter for the Erie community college. The audit committee may issue a request for proposal (RFP) to have the same certified public accounting firm contract with the county of Erie for two or all four of the aforementioned audit reports and management letters, or it may issue a separate RFP for each of the four aforementioned audit reports and accompanying management letters. Any request for proposal issued by the audit committee shall be in writing and shall be widely distributed among certified public accounting firms. Such requests for proposals shall contain all pertinent information concerning each proposed audit report and management letter contract, including the date upon which the contract is to commence, a description of the work to be performed, any particular or unique specifications required, the fiscal year(s) for which the audit reports and the management letter(s) are to be prepared and the date(s) by which the audit report(s) and accompanying management letters shall be completed and formally submitted to the county Legislature and county executive.

The audit committee shall review and evaluate the responses to each RFP it issues and it shall prepare in writing a comparison of all certified public accounting firms which responded showing (a) what special skill or service will be provided; (b) the qualifications of the firm; (c) the expertise of the firm; and (d) the total estimated cost, or rate for providing services. The audit committee shall prepare a written report on the results of each RFP it issues. Such report shall be submitted to the clerk of the county Legislature at least three months prior to the commencement of the proposed annual audit and management letter contract and it shall contain the results of the audit committee's evaluation of all responses to the RFP, as well as the name of the certified public accounting firm which it is recommending to perform the proposed audit report and management letter contract.

The audit committee shall be responsible for meeting with the certified public accounting firm(s) which are awarded audit and management letter contract(s) for the county of Erie, ~~the Erie county medical center, the home and infirmary~~ and the Erie community college to discuss in detail the scope of such contracts and all matters related to them.

Within forty-five days of the publication of a finalized audit report and accompanying management letter, the audit committee shall submit to the county executive and the county Legislature a written report containing its findings, comments and recommendations with respect to each such report.

The audit committee shall be responsible for monitoring the implementation of the recommendations which are contained in the management letters that are issued for the county of Erie, ~~the Erie county medical center, the home and infirmary~~ and the Erie community college.

A ~~Section 1813~~ amended by Local Law No. 3-2006.

Section 2618~~1814~~ (a). The Citizens' Budget Review Commission.

The Citizens' Budget Review Commission shall be established to assist and advise the Erie County Legislature in the oversight of the County's Budget and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems.

Upon the adoption of this Local Law the Erie County Legislature hereby creates a Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.

Section 2618~~1814~~ (b). Commission Purview and Reporting.

The Citizens' Budget Review Commission shall study the fiscal operations of the County of Erie in their full scope. The Commission shall provide regular reports to the Legislature at the conclusion of each fiscal quarter, and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the County Legislature. The Commission shall file its annual report with the Erie County Legislature annually on or before October 15.

Section 2618~~1814~~ (c). Membership; Terms; Vacancies.

The Citizens' Budget Review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie County. Such members shall be appointed by the Erie County Legislature upon recommendation from the following entities:

- A. One (1) member shall be recommended and appointed by the Erie County Executive.
- B. One (1) member shall be recommended annually by the Chair of the Erie County Legislature and confirmed by the Legislature.
- C. One (1) member shall be recommended annually by the Majority Leader on behalf of the majority members of the Erie County Legislature and confirmed by the Legislature.
- D. One (1) member shall be recommended annually by the Minority Leader on behalf of the minority members of the Erie County Legislature and confirmed by the Legislature.
- E. One (1) member shall be appointed who has professional experience as a certified public accountant. After receiving a list of at least three qualified candidates who have been recommended by the Western New York chapter of the New York State Association of Certified Public Accountants, the Legislature shall then appoint one individual from this list to the Commission.
- F. One (1) member shall be appointed who has professional experience in the banking and

finance industry. After receiving a list of at least three qualified candidates who have been recommended by banking institutions and credit unions located within Erie County, the Legislature shall then appoint one individual from this list to the Commission.

G. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance. After receiving a list of at least three qualified candidates who have been recommended by the Bar Association of Erie County, the Legislature shall then appoint one individual from this list to the Commission.

H. One (1) member shall be appointed who has professional experience with organized labor. After receiving a list of at least three qualified candidates who have been recommended by Buffalo AFL-CIO Central Labor Council, the Legislature shall then appoint one individual from this list to the Commission.

I. One (1) member shall be appointed from the Erie County business community. After receiving a list of at least three qualified candidates who have been recommended by the Buffalo Niagara Partnership, the Legislature shall then appoint one individual from this list to the Commission.

J. Two (2) members shall be appointed by the Erie County Legislature based upon recommendations from the public and shall be construed to represent a cross-section of the County's diverse population and a depth of appropriate experience and expertise.

K. The Comptroller of the County of Erie shall be an ex-officio, non-voting member of the Commission. Only the Comptroller, not a designee, shall be seated on the Commission.

L. The Director of Budget and Management shall be an ex-officio, non-voting member of the Commission. Only the Director of Budget and Management, not a designee, shall be seated on the Commission.

M. The Erie County Attorney shall be an ex-officio, non-voting member of the Commission. Only the Erie County Attorney, not a designee, shall be seated on the Commission.

With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the County, nor be a member of another County Board or Commission during the term of his/her appointment to the Citizens' Budget Review Commission of Erie County.

The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.

Members shall serve without compensation. Staff support shall be provided by the staff of the Erie County Legislature under the direction of the Clerk of the Erie County Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.

Section 2618~~1814~~ (d). Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chairperson for a term of one year. The Commission shall also elect from its membership

(excluding ex-officio members), a vice-chairperson, who shall serve as chairperson in the chairperson's absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.

Section 2618~~1814~~ (e). Meetings.

The Commission shall hold monthly public meetings to review the County's finances, including year-to-date and year-end projections for the County Budget. In addition to these monthly public meetings, the Citizens' Budget Review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the Erie County Legislature. All meetings of the Commission shall be subject to the Open Meetings Law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be held on such days and at such hours so as to encourage the maximum amount of public awareness and shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked-in to the Erie County Legislature and are to be made available to the public for inspection during regular business hours.

Section 2618~~1814~~ (f). Powers of the Commission and Information Available to Commission.

The Commission shall have the power to make such studies and investigations into the County's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical information, including monthly budget reports, relating to the County's budget and finances from the Comptroller of the County, the County Executive, and his or her appointed Director of Budget and Management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the County's finances.

In addition to any other information requested by the Commission, the Director of Budget and Management shall submit to the Commission monthly budget reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.

Section 2618~~1814~~ (g). Failure to Provide Timely Information.

Should the County Executive, his or her appointed Director of Budget and Management, or anyone fail to provide information including but not limited to the budget reports requested in sub-section (f) above, the Chair of the Commission shall notify the Clerk of the Erie County Legislature and the Chair of the Erie County Legislature, in writing, and the Chair of the Legislature shall compel that such information be provided to the Commission by exercising the

powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No. 1-1959, as amended, constituting the Erie County Charter.

[Section 1814](#) Added by Local Law No. 2-2005.

Article 26 was formerly numbered Article XVIII.

**ARTICLE 27-~~XIX~~**  
**GENERAL PROVISIONS**

Section	2701 <del>1901</del> .	Administrative unit defined; administrative and advisory boards.
	2702 <del>1902</del> .	Approval of contracts.
	2703 <del>1903</del> .	Civil service rights continued; status of certain county officers previously appointed; removal of certain officers hereafter appointed.
	<del>1904</del> .	<b>REPEALED.</b>
	2704 <del>1904-A</del> .	Filling vacancy in elective office of county executive or comptroller.
	2705 <del>1904-B</del> .	Filling vacancy in elective office of county legislator.
	2706 <del>1905</del> .	Filling vacancy in elective office of county clerk, district attorney or sheriff.
	2707 <del>1906</del> .	Power to administer oaths and issue subpoenas.
	2708 <del>1907</del> .	Charter revision commission.

Section 2701~~1901~~. Administrative unit defined; administrative and advisory boards. "Administrative unit" shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing.

The board of trustees of the Buffalo and Erie county public library and the board of trustees of the Erie county technical institute shall continue to be administrative boards heading the respective administrative units. Every other board, all appointive members of which are appointed by the county executive, shall be an advisory board. An advisory board shall have no administrative or appointive powers but, when requested by the county executive, shall assist him in the recruitment of candidates to fill a vacant position as head of the respective administrative unit.

Except as otherwise provided in this charter, advisory boards shall consist of such numbers and the members thereof shall be appointed for such terms as may be provided in the administrative code. In the absence of any such provision, the number of members shall be not less than five nor more than fifteen as determined by the county legislature and appointments shall be for five-year staggered terms. Initial appointments shall be for such periods as will result, as nearly as practicable, in the same number of term expirations each year. If a vacancy occurs other than by the expiration of a term, appointment to fill such vacancy shall be for the unexpired portion of such term.

Before approving or vetoing any local law or ordinance specifying functions affected thereby

of any administrative unit in which an advisory board has been appointed, the county executive shall refer such local law or ordinance to such advisory board for consideration and recommendation.

It shall be the duty of each advisory board to study conditions in its respective field, with particular reference to the policies and programs in Erie county, and to report its findings and recommendations to the county executive, who shall forward the same together with any comments ~~he~~ or she may choose to make, to the county legislature.

Section 2702~~1902~~. Approval of contracts. Except as otherwise provided in this charter, or the administrative code, any contract to which the county is a party shall require approval by the county legislature, if said contract is for: (a) the sale or purchase of real property; (b) the erection, alteration or demolition of a building or other structure; (c) professional, technical or other consultant services; or (d) the provision of facilities or the rendering of services by or for any other unit of government. Contracts for professional, technical or other consultant services under this section shall be subject to the informal requirements as provided in the administrative code.

The county executive shall execute all contracts on behalf of the county, except as otherwise provided in the administrative code.

~~Section 1902~~. Amended by Local Law No. 6-1983.

Section 2703~~1903~~. Civil service rights continued; status of certain county officers previously appointed; removal of certain county officers hereafter appointed. The civil service status and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this charter. The terms of all county officers whose appointment under this charter is vested in the county executive shall terminate with December thirty-first, nineteen hundred sixty; provided that any such officer, unless removed, shall continue to serve until ~~his~~ his or her successor is appointed and has qualified or until an interim appointment is made. Provided, further, that the term of the appointive comptroller shall terminate with December thirty-first, nineteen hundred sixty-one. Any county officer appointed by the county executive for the term or balance thereof of such executive may be removed, prior to the end of such term, after written notice from the county executive. Upon written request, such county officer shall be given an opportunity to be heard by a board of review consisting of (1) the county executive, (2) the chairman of the county legislature, and (3) the comptroller. Upon such hearing, removal shall be effected only by a two-thirds vote of such board of review.

~~Section 1904 REPEALED by Local Law No. 14-1973.  
Former section 1904 Amended by Local Law No. 1-1967  
1967 Local Laws of Cities, Counties, Towns and Villages.~~

Section 2704~~1904-A~~. Filling vacancy in elective office of county executive or comptroller. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same political affiliation as the person last elected to such office. A vacancy occurring in such office as the result of the removal of the

incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any.

Added by Local Law 14-1973.

Section 2705~~1904-B~~. Filling vacancy in elective office of county legislator. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county legislator, shall be filled by appointment by a majority vote of the members of the county legislature of the party with which the person last elected to such office identified for the purpose of selecting a majority and minority leader. A vacancy shall be included in the total count of which there is to be a majority vote. However, when the number of vacancies is such that there are not enough incumbents remaining in the party having the vacancies to total a majority of the number of members of the party as it existed before the vacancies occurred, then the vacancy or vacancies shall be filled by an unanimous vote of the remaining members of said party. The person newly appointed shall be a qualified elector of the county having the same political affiliation as the person last elected to such office, shall be a resident of the district to which such appointment is made, and shall be eligible under section 202.1 of the Erie county charter. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county legislator shall be elected for the balance of the term, if any.

Amended by Local Law No. 1-1980.

Added by Local Law No. 14-1973.

Section 2706~~1905~~. Filling vacancy in elective office of county clerk, district attorney or sheriff. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county clerk, district attorney or sheriff shall be filled by appointment, by the county legislature, of a qualified elector of the county having the same political affiliation as the person last elected to such office. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment, by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county clerk, district attorney or sheriff, as the case may be, shall be elected for the balance of the term, if any.

Section 2707~~1906~~. Power to administer oaths and issue subpoenas. The chairman of the county legislature, the county executive, the county comptroller, and such other county officers as may be authorized by law shall have the power to subpoena and compel the attendance of

witnesses and the production of books and papers, as the same may be pertinent to their respective offices. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations in connection therewith.

Section 2708~~1907~~. Charter Revision Commission.

The Erie County Charter shall undergo a mandatory decennial review and the review shall commence by seating a Charter Review Commission by January 15, 2016, which shall report its recommendations to the Erie County Legislature no later than May 15 2016.

~~The County Legislature hereby creates a Charter Revision Commission to be established on or before April 15, 2005.~~

~~———— The purview of the Charter Revision Commission. The Charter Revision Commission shall study the operations of the County of Erie in their full scope and shall consider the inter-municipal relations of the County of Erie and the myriad responsibilities that the County of Erie discharges in the course of its broadly defined duties to determine whether the Erie County Charter and the Erie County Administrative Code shall be further amended to render same as an effective framework for County government, and to adopt such amendments as may be necessary to facilitate the delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various Cities, Towns and Villages within the County. The Charter Revision Commission shall submit a final report, which shall include its findings, conclusions, and recommendations for appropriate action to the County Legislature and the County Executive on or before the 15th day of July, 2006.~~

~~———— Methodology of operation. The Commission shall be provided with adequate resources incident to the discharge of its responsibilities as may be deemed necessary by the Erie County Legislature in the furtherance of its assigned duties.~~

~~———— Membership. The Charter Revision Commission shall be composed of 23 members with one (1) member to be appointed by each District Legislator of the Erie County Legislature. The County Executive of the County of Erie shall appoint three (3) members, and the County Clerk, County Comptroller, County Sheriff, and the District Attorney of the County of Erie shall have one appointee each to the Commission. In addition to the other designated appointment, the Chair of the Erie County Legislature shall also appoint the Chairperson of the Charter Revision Commission.~~

~~———— No member of the Commission shall hold public office, be an employee of Erie County nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.~~

~~———— After its establishment and all 23 members are seated, the Commission shall also select a Vice Chairperson and a Secretary through a majority vote.~~

~~———— Reports and Recommendations. The County Legislature shall act on all reports and recommendations submitted to it in a timely fashion by the Charter Revision Commission by either approving or disapproving each recommendation separately within three (3) months from the date of the submission of the findings, conclusions and report of the Commission.~~

Section 2708 (formerly Section 1907) amended by Local Law No. 3-2006.

Section 1907 Amended by Local Law No. 10-2005.

New section 1907 Added by Local Law No. 4-2005.

Former section 1907 **REPEALED** by Local Law No. 4-2005.

Former section 1907 Added by Local Law No. 1-1981.

Former section 1907 **REPEALED** by Local Law No. 1-1981.

Former section 1907 Added by Local Law No. 13-1974.

Article 27 was formerly numbered Article XIX.

**ARTICLE 28~~XX~~**  
**APPLICATION OF CHARTER; WHEN AND HOW OPERATIVE AND EFFECTIVE**

Section	2801 <del>2001</del>	Adoption of charter; when effective.
	2802 <del>2002</del>	Amendment of charter.
	2803 <del>2003</del>	Terms of certain elective county officers.
	2804 <del>2004</del>	Continuity of authority; completion of unfinished business.
	2805 <del>2005</del>	Separability.
	2806 <del>2006</del>	Charter to be liberally construed.

Section 2801~~2001~~. Adoption of charter; when effective. This charter shall be effective immediately upon approval by referendum in the manner provided by law. The administrative code may be adopted by local law at any time thereafter. The first county executive shall be elected at the general election in nineteen hundred sixty and shall take office on January first, nineteen hundred sixty-one. The county comptroller shall be first elected at the general election in nineteen hundred sixty-one and the person then elected shall, upon qualifying, take office on January first, nineteen hundred sixty-two. Pending such election and qualifying for office, the incumbent county comptroller shall have the powers and perform the duties prescribed in this charter for the elective office of county comptroller.

Section 2802~~2002~~. Amendment of charter. This charter may be amended in the manner provided by law. Any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective, or change the powers of an elective county officer, or change the term of office for county legislators shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this charter or the power of an appointive county officer in the executive branch may be passed before January first, nineteen hundred sixty-one.  
Amended by Local Law No. 2-1978.

Section 2803~~2003~~. Terms of certain elective county officers. The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four years, and the election of any such officer shall be in an odd-numbered year. Provided that any such officer elected in nineteen hundred sixty or nineteen hundred sixty-two shall be elected for three years; and provided, further, that an interim election to fill the remainder of an unexpired term may be held in any year.

Section 2804~~2004~~. Continuity of authority; completion of unfinished business. The performance of functions pursuant to the provisions of this charter shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefor under this charter or the administrative code.

Section 2805~~2005~~. Separability. If any clause, sentence, paragraph, section or article of this charter shall be adjudged by any court of competent jurisdiction to be invalid, such jurisdiction shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2806~~2006~~. Charter to be liberally construed. This charter shall be liberally construed to effectuate its objectives and purposes.

Article 28 was formerly numbered Article XX.

## **ARTICLE 29~~XXI~~** **SUNSET PROVISION**

Section 2901~~2007~~. All departments and units of the county of Erie listed herein, except those required by law other than the Erie county charter, shall cease three years from this law's filing with the secretary of state, and every three years thereafter, unless the county legislature, and county executive, by affirmative action, through budget adoption or otherwise, extend and continue said departments and units.

Added by Local Law No. 5-1981.

Article 29 was formerly numbered Article XXI.

Charter generally amended by Local Law No. 1-1967

Effective March 28, 1967 to substitute words "county legislature" for "board of supervisors."

## **ARTICLE 30** **RENUMBERED ARTICLES**

Pursuant to Local Law No. 3-2006, the Clerk of the Erie County Legislature, with the approval of the County Attorney, has renumbered certain Articles of the Erie County Charter, as follows:

<b>Previous Article No.:</b>	<b>Current Article No.:</b>	<b>Title:</b>
I	1	Erie County and its Government
II	2	Legislative Branch
III	3	Executive Branch

IV	4	Department of Finance
V	5	Department of Health
VI	6	Department of Law
--	7	Department of Labor Relations
VII	8	Department of Parks, Recreation and Forestry
VIII	9	Department of Personnel
IX	10	Department of Environment and Planning
X	11	Department of Public Works
XI	12	Department of Social Welfare
XI-A	(repealed)	Department of Public Safety
XI-B	13	Department of Mental Health
XI-C	14	Department of Emergency Services
XI-D	15	Department of Central Police Services
XI-E	16	Department of Senior Services
XI-F	17	Department of Youth Services
XI-F	18	Office of Public Advocacy (previously Office for the Disabled, repealed)
XII	19	Comptroller
XIII	20	County Clerk
XIV	21	District Attorney
XV	22	Sheriff
XVI	23	Other County Boards, Offices, Institutions and Functions
XVI-A	23-A	Erie County Environmental Management Council
XVI-B	(repealed)	Erie County Consumer Protection Committee
XVI-C	(repealed)	Erie County Citizens Committee on Rape and Sexual Assault
XVI-D	(repealed)	Art and Culture in Public Places Board
XVI-E	23-B	Citizens Salary Review Commission
XVI-E	(repealed)	Erie County Commission on the Status of Women
XVI-F	23-C	Erie County Community Coordinating Council on Children and Families
--	24	Autonomous Institutions
XVII	25	Service Relationships with Local Municipalities
XVII-A	(repealed)	Narcotics Control
XVIII	26	Financial Procedures
XIX	27	General Provisions
XX	28	Application of Charter; When and How Operative and Effective
XXI	29	Sunset Provision
--	30	Renumbered Articles
--	31	Repealed Articles

## ARTICLE 31

## REPEALED ARTICLES

Article XI-A, Department of Public Safety, **REPEALED** in its entirety by Local Law No. 2-1972.

Amended by Local Law No. 1-1964

1964 Local Laws of Cities, Counties, Towns and Villages.

Article XI-F\*, Office for the Disabled, REPEALED by Local Law No. 3-2006.

Article XI-F, Office for the Disabled, added by Local Law No. 4-1983.

\* See also, Article XVII, formerly numbered Article XI-F, Department of Youth Services, added by Local Law No. 3-1983.

Article XVI, NEW Section 1602, Erie county medical center; board of managers; chief executive officer; treasurer, REPEALED by Local Law No. 3-2006.

NEW section 1602 Added by Local Law No. 9-1988.

Former section 1602 **REPEALED** by Local Law No. 9-1988.

NEW section 1602 Added by Local Law No. 2-1985.

Former section 1602 REPEALED by Local Law No. 2-1985.

Former section 1602 Amended by Local Law No. 9-1982.

Article XVI, Section 1603, County laboratory; director; advisory board REPEALED by Local Law No. 3-2006.

Amended by Local Law No. 5-1989.

Amended by Local Law No. 5-1984.

Amended by Local Law No. 9-1972.

Article XVI, Section 1604 **REPEALED** by Local Law No. 4-1967  
1967 Local Laws of Cities, Counties, Towns and Villages.

Article XVI, Section 1611. Erie County Home Commissioner.\*  
**REPEALED** by Local Law No. 7-1995.

Added by Local Law No. 9-1989.

\*See also, Section 1611, Support of Public Libraries, Added by Local Law No. 7-1992.

Article XVI, Section 1611. Support of public libraries.\*

See Section 1612.

Added by Local Law No. 7-1992.

\*See also, Section 1611, Erie County Home Commissioner.

Article XVI, Section 1612, Support of public libraries, REPEALED by Local Law No. 3-2006.

Amended by Local Law No. 6-2004. (To expire on January 1, 2007)

Amended by Local Law No. 1-2003. (To expire on January 1, 2005)

Amended by Local Law No. 7-2001. (To expire on January 1, 2003)

Amended by Local Law No. 6-2000. (To expire on January 1, 2002)

Amended by Local Law No. 7-1999. (To expire on January 1, 2001)

Amended by Local Law No. 6-1996. (To expire on January 1, 1999)  
Amended by Local Law No. 1-1995, as Section 1612. (To expire on December 31, 1996)  
Added by Local Law No. 7-1992, as Section 1611.

Article XVI, Section 1613, Board of Trustees of Erie community college, additional powers, REPEALED by Local Law No. 3-2006.  
Amended by Local Law No. 3-2003, as Section 1613

Article XVI-B, Erie County Consumer Protection Committee, REPEALED by Local Law No. 3-2006.  
NEW article XVI-B Added by Local Law No. 18-1974.  
Former article XVI-B REPEALED by Local Law No. 18-1974.  
Former article XVI-B Added by Local Law No. 20-1973.

NEW Article XVI-C, Erie County Citizens Committee on Rape and Sexual Assault, REPEALED by Local Law No. 3-2006.  
NEW Article XVI-C Added by Local Law No. 4-1977.  
Former article XVI-C **REPEALED** by Local Law No. 4-1977.

Article XVI-D, Art and Culture in Public Places Board, REPEALED by Local Law No. 3-2006.  
Added by Local Law No. 1-1977.

Article XVI-E\*, Erie County Commission on the Status of Women, REPEALED by Local Law No. 3-2006.  
Added by Local Law No. 3-1987.  
\* See also article XXIII-B (formerly numbered XVI-E), Citizen's Salary Review Commission, Added by Local Law No. 6-1986.

Article XVII-a, Narcotics Control, REPEALED by Local Law No. 3-2006.  
Added by Local Law No. 1-1970  
1970 Local Laws of Cities, Counties, Towns and Villages.

Article XIX, Section 1904 **REPEALED** by Local Law No. 14-1973.  
Former section 1904 Amended by Local Law No. 1-1967  
1967 Local Laws of Cities, Counties, Towns and Villa

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Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of minutes for Meetings 4, 5 and 6 of 2007.  
MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

CHAIRPERSON MARINELLI directed that Miscellaneous Resolutions be taken out of order.

GRANTED.

**MISCELLANEOUS RESOLUTIONS**

Item 4 - WEINSTEIN & RANZENHOFER presented a resolution Congratulating the Amherst Bee on 100 Years of Operation.

Item 5 – MR. MILLS presented a resolution Congratulating the East Aurora Girls Varsity Basketball Team on an Outstanding 2006-2007 Season.

Item 6 – GRANT & MILLER-WILLIAMS presented a resolution Honoring Rashad L. Howard.

Item 7 – MILLER-WILLIAMS & GRANT presented a resolution In Memory of Marion Brown and Pierre Gotel Who Died in a House Fire on 3/24/07.

Item 8 – MR. REYNOLDS presented a resolution Recognizing the Month of May 2007 as Motorcycle Awareness Month.

Item 9 - MR. REYNOLDS presented a resolution Recognizing 4/28/07 as Worker's Memorial Day in Erie County.

Item 10 – MS. IANNELLO presented a resolution Honoring Marietta LaFornara Upon Retirement as Senior Citizen Director for the Town of Tonawanda.

Item 11 – MR. WEINSTEIN presented a resolution Honoring the Life and Work of Mary F. Bobinski.

Item 12 - IANNELLO, MARINELLI & LOUGHRAN presented a resolution Recognizing the Achievements and Community Volunteer Contributions of Frances V. Boles.

Item 13 – MS. IANNELLO presented a resolution Recognizing the Achievements and Success of the T-NT Expo.

Item 14 – MS. IANNELLO presented a resolution In Remembrance of Stuart M. Farmer.

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Item 15 – MR. REYNOLDS presented a resolution Honoring Kathryn Marie Chlosta in her New Position as NY DECA State President 2007-2008.

Item 16 – MR. REYNOLDS presented a resolution Recognizing June 29th - July 5th as National Clean Beaches Week.

Item 17 – MS. IANNELLO presented a resolution In Memory of Raymond Wachowicz.

MS. WHYTE presented the above fourteen items and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above fourteen items for Et Al Sponsorship and to include a miscellaneous resolution from Legislators Iannello and Konst. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 18 – IANNELLO & KONST presented a resolution in memory of Ellie Sullivan.

MS. WHYTE moved to approve the above fifteen items as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 19 - CHAIRPERSON MARINELLI directed that the Legislature enter into recess at 2:32 PM.

The Clerk of the Government Affairs Committee read the following public notice:

PUBLIC NOTICE

PLEASE TAKE NOTE that a Public Hearing regarding the Fact-finding Report between the County of Erie and American Federation of State, County and Municipal Employees, Local 1095 prepared by Howard G. Foster, the Fact-finder appointed by the Public Employee Relations Board and submitted to the County Legislature on the 14th day of November, 2006 by the County Executive will be held on the 5th day of April, 2007 at 2:00 o'clock P.M. (Prevailing Time) at the Erie County Legislative Chambers, 92 Franklin Street, Fourth Floor, Buffalo.

Robert M. Graber

Clerk, Erie County Legislature

Geoffrey Szymanski  
 Clerk, Government Affairs Committee

Budget Director James Hartman presented the following report on behalf of the administration:

In November, 2006 I forwarded to this Honorable Body the report of findings of fact and recommendations prepared by Howard G. Foster, the Fact-finder appointed by the Public Employment Relations Board (PERB) to assist the County of Erie and Local 1095 of the American Federation of State, County and Municipal Employees (AFSCME) in the dispute resolution process aimed at obtaining a successor collective bargaining agreement between the parties. In my transmittal letter, I advised that it was my recommendation that the report of the Fact-finder be rejected insofar as it related to salary increases which would have aggregated seven (7%) percent over the recommended four year (2005 -2008) term of the proposed agreement. It was my recommendation then, and it is my recommendation now, that if this Honorable Body decides that an imposition of a settlement is warranted, the dispute should be resolved by extending all the terms and conditions of the expired collective bargaining agreement for one additional year, i.e. for the period from January 1,2005 through December 31,2005. In my letter, I only briefly stated my reasons for so recommending. Please permit me at this time to elaborate upon my stated reasons and to address some additional concerns I have regarding the course of action that I am lead to believe is being contemplated by some members of this Honorable Body.

**AFFORDABILITY:**

While it is true that County finances have improved, it is not true that the County can afford any salary increases at this time. The 2007 County budget, as submitted and Stability Authority, it is the position of the County that any salary increases should be offset by similar savings resulting from much needed labor concessions; particularly in the areas of labor contributions for health care; retiree health care and modifications in the areas of the amount of time off allowable for sick leave, holidays and summer hours. The recommendations of Fact-finder Foster, although advising labor concessions in those areas, did not rise to the level of offsetting the amount of the raises that he also recommended.

As you are aware, your ability to impose a settlement is limited solely to granting an increase in salary. Pursuant to the constraints imposed by the Taylor Law, the so-called Triborough Amendment, this Legislature is, therefore, without authority to mandate or impose any of the labor concessions recommended by Fact-Finder Foster.

Every salary increase of one (1%) percent would aggregate a cost of \$561,196.00 to all County entities employing AFSCME members for fiscal year 2005. An approximate cost breakdown by the component County employers is as follows:

County -\$ 121,488	Highways -\$ 74,096
Sewer Districts -\$47,543	Library -\$ 20,106
ECMC -\$ 162,612	ECMC H&I -\$98,661
ECC -\$ 36,690	

The above liability attributable to the County would be exacerbated by two additional factors:

1. Although, pursuant to the Taylor Law~ any salary increase imposed by the Legislature would be for only a one-year period, i.e. 2005; the amount of increase would, in fact, establish a new base salary .that would carry forward to the present day and for the future. Thus, a one (1 %) percent increase would impact the current (2007) County General Fund by a total of \$372,166 for fiscal years 2005, 2006 & 2007. If you include the cost to the Highway and Sewer Departments, the total liability to the County is \$721,527 for each one (1%) of salary increase. Furthermore, these figures do not include any fringe benefit expense.
2. The second factor affecting the total cost that the County would incur results from the terms of the 2006 Consent Decree entered into by the County and ECMCC. In appropriate part, the Decree states that "In the event that any collective bargaining agreement applicable to ECMCC is changed with terms that increase the wages or benefits of any part of the ECMCC labor force through 2009 without the consent of ECMCC, the difference (calendar year over calendar year) shall be added to the annual operating contribution amounts payable by the County to ECMCC". Thus, the County would be obligated to pay the additional cost of any wage increase to AFSCME employees at the Hospital and the Home. For the period of 2005 -2007, this would aggregate approximately \$801,984.

The actual cost to the County, therefore, would aggregate \$1,523,511 for each one (1%) percent of salary increase awarded by the Legislature. This entire sum would have to be paid in the current year from the funds available in the 2007 budget. As I stated earlier, **NO** funds were allocated in the 2007 to pay for salary increases.

**ERIE COUNTY FISCAL STABILITY AUTHORITY (ECFSA):**  
**RAMIFICATIONS OF IMPOSED SALARY INCREASE:**

The Erie County Fiscal Stability Authority, (ECFSA) has voted to become a "hard' control board. The Board's stated reasoning for imposing a control period is its belief that the 2007 County Budget and the County's four-year financial plan are not in balance or are based on unreasonable financial projections. Although I and my Administration do not share this belief, we are nevertheless, subject to the fiscal constraints now imposed by the ECFSA. I do not believe that the current control period is warranted and I believe this Honorable Body shares my opinion on that point.

Unfortunately, any action by this Legislature to mandate a salary increase for AFSCME employees will only solidify the rationale espoused by the ECFSA for imposing the control period. Any salary increase will, of necessity, have to be paid retroactively to January 1, 2005 from funds contained in the 2007 budget. Let me reiterate; there are no such funds budgeted or available in the 2007 budget. An imposed salary increase to AFSCME members will insure that the 2007 Budget and the four-year plan are out of balance; precisely what the ECFSA is alleging.

Furthermore, the current four-year financial plan as submitted by the County and the original four-year plan developed by the PFM Group, the ECFSA's own financial consultants, both envision that future budgets will be balanced, in no small amount, by savings realized from negotiated labor

concessions. Clearly, a legislatively mandated salary increase, without the possibility of also imposing the concessions recommended by Fact-finder Foster's report would be contrary to the intent and provisions of the four-year plan. In essence, any imposed salary increase would destroy the validity of the four-year plan and would insure that the County would remain indefinitely under the control period imposed by the ECFSA.

I have heard, hopefully erroneously, that some members of this Body believe that imposing a salary increase would not result in any practical harm to the County because it is believed that the ECFSA would, pursuant to its powers, freeze any such increase. I can only respond to that belief by saying that it is extremely unwise and dangerous to place the County's finances in such a precarious position solely on a gamble on any such action by the ECFSA. Even if the ECFSA froze the imposed salary increase, the increase would establish a new base salary from which benchmark all future contract negotiations would have to begin.

I should also like to point out that it is not clear that a legislatively imposed salary increase would not be construed as pertaining to a time period prior to the existence of the ECFSA and any potential wage freeze and would therefore be a liability exempted from the freeze.

**AFFECT ON FUTURE NEGOTIATIONS:**

Perhaps the most insidious effect that an imposed wage increase would have would be its effect upon future contract negotiations. It is anticipated that the negotiation process will bring the parties to a dispute to a middle ground; that there will be a 'give & take' until a mutually acceptable result is reached; that the negotiation process will result in a "win -win" situation. In my opinion the Taylor Law defined process being utilized today is more detrimental to the negotiation process than the Taylor Law provision defining the interest, or binding, arbitration process. At least in the case of binding arbitration, the arbitration panel must consider the needs of both parties and will usually craft an award that provides a measure of relief to both sides. In this instance, this Honorable Body may only award a salary increase. No consideration of the Fact-Finders report dealing with concessions recommended by him to address pressing issues of the County and its co-employers need be considered because none can be imposed. The imposition of salary increase without corresponding concessions by the union would result in a 'win - lose' situation. Such a result will hinder future negotiations with AFSCME and other unions if it is believed that a salary increase can be achieved without the necessity of giving meaningful consideration to the County's proposals merely by accelerating the Taylor law mandated dispute resolution process; negotiation, mediation & fact-finding; to the point where a tacit request for a salary increase is laid before this Legislature.

I cannot argue that the members of the AFSCME union do not deserve a raise. We would all like to have our salaries increased. The truth is, however, that the County and its co-employers, and by extrapolation, the citizens of this County also have needs that require concessions by labor. Unless these requirements are addressed, the County will continue to struggle to meet its obligation to be able to deliver services to the public in a fiscally prudent manner without incurring unwarranted increases in taxes and fees. For the reasons I have cited, I ask that this Honorable Body resolve this matter as I suggested in my letter of November 14, 2006. I ask that you resolve this dispute by continuing all of the terms and conditions of the expired collective bargaining agreement for one additional year, i.e., for the period from January 1, 2005 through December 31, 2005.

Assistant Vice President of Compensation and Benefits Nancy Tucker presented the following report on behalf of the Erie County Medical Center Corporation:

Good afternoon. My name is Nancy Tucker, and I am the Assistant Vice President of Compensation and Benefits at the Erie County Medical Center Corporation. I am here today to, represent the Medical Centers' interests regarding the AFSCME contract.

As you know, Professor Howard Foster's fact-finders report addresses several of the "out-dated" benefits currently provided for in the AFSCME contract, specifically summer hours, one-hour paid lunch periods, the generous sick leave banks and holidays. In Professor Foster's report, he repeatedly indicated that ECMC has unique challenges given the 24/7 nature of our operation. However, the largest, and most financially crippling component, the health insurance benefit for both active and retirees have been minimally modified by the fact finders recommendation.

As you are aware, ECMC, as well as other health care facilities are currently under the microscope as a result of the Berger commission. During the past two years, we have been working diligently to operate like a corporation. There are some facts, relative to our operations, which you may not be aware of:

Firstly, The labor and corresponding benefit costs of ECMC employees are 57% of Net Operating Revenue, as compared to the industry norm in healthcare of 50% of net operating revenue. This difference equates to \$21 million dollars in 2006. While this number has been reduced from 67% in 2003 and 2004, the significant differences put ECMC in a difficult position in the highly competitive healthcare market in WNY.

Secondly, Beginning in 2007, ECMC, as well as other public employers are required to account for the future expense of retiree health insurance obligations as provided for in the collective bargaining agreements.

In 2007, the estimated expense associated with the retiree health insurance obligation is \$28 million dollars. In addition, ECMC needs to begin setting aside cash to fund this future obligation in order to help ensure that the benefit will be there for future retiree's that expect it. Under the current contract provisions, and without any significant changes to the benefit structure, this annual expense will rise to \$45 million dollars-per year in 2017. To provide you with additional perspective, the projected retiree health insurance liability today is \$240 million dollars, without significant changes, that liability increases to \$350 million dollars in just 5 years, and is estimated to increase to over \$460 million dollars by 2017. This single benefit obligation is not sustainable in the WNY health care market.

With the exception of Roswell Park Cancer Institute, which has additional funding means, no other health care organization in Western New York is burdened with these expenses.

Yesterday, ECMC announced that for 2006 it had a \$7.5 million operating surplus prior to the County subsidy. This significant financial turnaround occurred as a result of the hard work and diligence of all ECMC employees, including those represented by AFSCME.

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However, as outlined moments ago, the \$7.5 million dollar surplus pales in comparison with the added annual expense associated with the current retiree health insurance obligation which is just beginning to be recognized in 2007. Without relief on this benefit, the long-term financial viability of ECMC is in question.

The Consent decree between ECMC and the County requires the County to pay for any increase in compensation to AFSCME workers employed by ECMC unless ECMC consents to the increase. As outlined above, every dollar used to provide the generous benefit package, even ~ the changes provided by Fact finders report, is a dollar which cannot be made available for wage increases.

Based on all of the facts presented, ECMC cannot consent to any increase in compensation, even if all of the recommendations of the Fact-finders report were adopted by AFSCME.

In closing, ECMC is appreciative of your past and present support which has allowed us to make great improvements at the organization; in clinical outcomes, occupancy, efficiencies and financial performance. Certainly the 980 Full time AFSCME represented employees contributed to these accomplishments. However, we ask that the legislature take into consideration the salaries and benefits of the WNY healthcare market, the future challenges set forth above, and the significant financial challenges in the coming years, as you complete your review, and determine the outcome of this matter.

Thank you

CHAIRPERSON MARINELLI reconvened the Legislature at 2:42 PM.

**LOCAL LAWS**

Item 20 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21- CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 25 – CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 26 – MR. REYNOLDS presented the following report and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

MARCH 20, 2007

FINANCE & MANAGEMENT COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-2 (2007)  
**COMPTROLLER:** Copy of Letter to County Attorney Re: Retention of Joseph Passafiume (4-0)
  - b. COMM. 6E-3 (2007)  
**COMPTROLLER:** Notice of Completion of Sale of \$50 Million of General Obligation Bonds (4-0)
  - c. COMM. 6E-5 (2007)  
**COUNTY EXECUTIVE:** Copy of Letter to ECFSA Chair Re: Sale of County's Tax Liens (4-0)
  - d. COMM. 6D-4 (2007)  
**BUDGET, MANAGEMENT & FINANCE:** BMR for FY2006 w/ Year to Date Results Through 12/31 (4-0)
  - e. COMM. 6M-2 (2007)

**STATE SENATOR VOLKER:** Notice of Introduction of An Act to Amend the Local Finance Law  
(4-0)

f. COMM. 6M-3 (2007)  
**BUFFALO COMMISSIONER OF DEPT. OF ASSESSMENT & TAXATION:** Certified Resolution - Sale of Erie County Tax Liens  
(4-0)

g. COMM. 6M-14 (2007)  
**ECFSA:** Certified Resolution 07-09 Amending the Process for Approving Contracts Settlements, or Other Obligations Binding or Purporting to Bind Erie County  
(4-0)

h. COMM. 6M-16 (2007)  
**GERALD E. KELLY & PETER A. REESE:** Performance Based Budgeting  
(4-0)

2. COMM. 2D-3 (2007) **AS AMENDED**  
**BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 207179 through 207196 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR	2007	Petition No.	207179
	ASSESSOR	Refund	\$236.21
S-B-L	70.09-1-11	142289	AMHERST
	Acct. No. 112	\$236.21	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$0.00

REFUND – CLERICAL ERROR, THE BUSINESS EXEMPTION IN THE AMOUNT OF 139,500 SHOULD BE IN THE AMOUNT OF 186,400. RPTL 550(2)B

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CHECK FOR: UNILAND PARTNERSHIP OF DELAWARE

FISCAL YEAR 2006                      Petition No.                      207180

ASSESSOR                      Refund                      \$507.00

S-B-L 257.00-3-2.3                      142600 BOSTON

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$507.00                      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$507.00

Charge To :                      142600 BOSTON                      \$0.00

REFUND – CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 31,830 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CHECK FOR: DAVID KING                      EDEN CENTRAL

FISCAL YEAR 2007                      Petition No.                      207181

ASSESSOR                      Cancel                      \$558.41

S-B-L 212.00-4-4.1                      142600 BOSTON

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$558.41                      Town/SpecialDist/School

Charge To :                      142600 BOSTON                      \$558.41

CANCEL – UNLAWFUL ENTRY, PARCEL IS LOCATED OUTSIDE THIS WATER DISTRICT

WATER TAX IN THE AMOUNT OF \$ 558.41 WILL GO ON AS AN OMITTED TAX FOR 2008 TOWN AND COUNTY TAX BILL. RPTL 550(7)B

FISCAL YEAR 2007                      Petition No.                      207182

ASSESSOR                      Cancel                      \$129.10

S-B-L 316.00-3-9.1                      143689 COLLINS

Acct. No. 112                      \$85.40                      County

Acct. No. 132                      \$43.70                      Town/SpecialDist/School

Charge To :                      143689 COLLINS                      \$43.70

CANCEL – CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 12,253 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

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FISCAL YEAR 2007                      Petition No.                      207183

                                 ASSESSOR                      Cancel                      \$218.32

S-B-L    332.00-2-15.12    143689 COLLINS

                                 Acct. No. 112    \$117.09    County

                                 Acct. No. 132    \$101.23    Town/SpecialDist/School

                                 36020 COLLINS FIRE PROTECT    \$24.68

                                 36023 HELMOUTH FIRE DISTRICT    \$4.34

Charge To :                                      143689 COLLINS    \$72.21

CANCEL – ERROR IN ESSENTIAL FACT, IMPROVEMENT SHOWN ON PROPERTY IS NON EXISTENT THIS IS VACANT LAND. THE ASSESSED VALUE IS 32,400 AND SHOULD BE 15,600. RPTL 550(3)B

FISCAL YEAR 2007                      Petition No.                      207184

                                 ASSESSOR                      Cancel                      \$314.32

S-B-L    341.02-3-36    143689 COLLINS

                                 Acct. No. 112    \$200.03    County

                                 Acct. No. 132    \$114.29    Town/SpecialDist/School

Charge To :                                      143689 COLLINS    \$114.29

CANCEL – CLERICAL ERROR, DISABLED VET IN THE AMOUNT OF 14,350 WAS MISCALCULATED THE CORRECT AMOUNT SHOULD BE 43,050 (70%).  
RPTL 550(2)B

FISCAL YEAR 2007                      Petition No.                      207185

                                 ASSESSOR                      Refund                      \$250.00

S-B-L    219.16-1-9.11    144489 EVANS

                                 Acct. No. 112    \$0.00    County

                                 Acct. No. 132    \$250.00    Town/SpecialDist/School

                                 44069 ERIE CO SEW DIST 2    \$250.00

Charge To :                                      144489 EVANS    \$0.00

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

REFUND – CLERICAL ERROR, THIS PARCEL WAS CHARGED IN ERROR FOR 2 UNITS OF SEWER SERVICE SHOULD BE 1 UNIT OF SERVICE PROPERTY IS A 210. RPTL CHECK FOR: ED CONBOY JR & CHRISTINE RACZYK

FISCAL YEAR 2007                      Petition No.                      207186

ASSESSOR                      Refund                      \$662.24

S-B-L 126.10-1-40    145289 LANCASTER

Acct. No. 112    \$302.99      County  
 Acct. No. 132    \$359.25      Town/SpecialDist/School

Charge To :    145289 LANCASTER    \$359.25

REFUND – CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 60,458 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C CHECK FOR: HELEN O’HORA

FISCAL YEAR 2007                      Petition No.                      207187

ASSESSOR                      Cancel                      \$805.55

S-B-L 117.01-1-11    145289 LANCASTER

Acct. No. 112    \$179.77      County  
 Acct. No. 132    \$625.78      Town/SpecialDist/School

52610 GENERAL FIRE PROT    \$48.57  
Charge To :    145289 LANCASTER    \$577.21  
     Relevy School    \$423.33      145201 LANCASTER CENTRAL

CANCEL – UNLAWFUL ENTRY, THIS PARCEL WAS SEIZED BY THE FEDERAL GOVERNMENT ON 8/14/06 . AT THAT TIME THE PARCEL BECAME WHOLLY EXEMPT FROM TAX . RPTL 550(7)A

FISCAL YEAR 2007                      Petition No.                      207188

ASSESSOR                      Cancel                      \$5,192.51

S-B-L 117.01-1-12    145289 LANCASTER

Acct. No. 112    \$1,125.18      County  
 Acct. No. 132    \$4,067.33      Town/SpecialDist/School

52610 GENERAL FIRE PROT    \$304.00

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Charge To :                    145289 LANCASTER                    \$3,763.33  
     Relevy School                            \$2,649.70                    145201 LANCASTER CENTRAL

CANCEL – UNLAWFUL ENTRY, PARCEL WAS SEIZED BY THE FEDERAL GOVERNMENT  
 ON AUGUST 14,2006 AT THAT TIME THE PARCEL BECAME WHOLLY EXEMPT.  
 RPTL 550(7)A

FISCAL YEAR 2007                    Petition No.                    207189

ASSESSOR                    Cancel                    \$1,062.99

S-B-L 74.00-3-30.2                    145689 NEWSTEAD

    Acct. No. 112                    \$0.00                    County  
     Acct. No. 132                    \$1,062.99                    Town/SpecialDist/School  
Charge To :                    145689 NEWSTEAD                    \$1,062.99

CANCEL – CLERICAL ERROR, THE DELINQUENT WATER WAS PREVIOUSLY PAID.  
 RPTL 550(2)E

FISCAL YEAR 2007                    Petition No.                    207190

ASSESSOR                    Cancel                    \$2,010.01

S-B-L 270.00-6-21                    145889 NORTH COLLINS

    Acct. No. 112                    \$0.00                    County  
     Acct. No. 132                    \$2,010.01                    Town/SpecialDist/School  
Charge To :                    145889 NORTH COLLINS                    \$2,010.01

CANCEL – CLERICAL ERROR, THE RPTL 520 IN THE AMOUNT OF \$ 2,010.01  
 WAS PLACED ON PARCEL IN ERROR. RPTL 550(2)E

FISCAL YEAR 2007                    Petition No.                    207191

ASSESSOR                    Cancel                    \$117.01

S-B-L 286.00-2-10.1                    145889 NORTH COLLINS

    Acct. No. 112                    \$0.00                    County  
     Acct. No. 132                    \$117.01                    Town/SpecialDist/School  
Charge To :                    145889 NORTH COLLINS                    \$117.01

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**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

CANCEL – CLERICAL ERROR, THIS IS AGRICULTURAL LAND AND IS NOT LIABLE FOR GARBAGE TAX. RPTL 550(2)E

FISCAL YEAR 2006                      Petition No.                      207192

ASSESSOR                      Refund                      \$1,959.76

S-B-L 162.08-1-10    146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,959.76	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$1,959.76	
	Relevy School	\$1,959.76	146001 ORCH PARK CENTRAL

REFUND – CLERICAL ERROR, THE ASSESSED VALUE WAS 286,900 AND SHOULD BE IN THE AMOUNT OF 209,700. RPTL 550(2)A  
 CHECK FOR: TODD & MICHELLE MUSTERAIT

FISCAL YEAR 2007                      Petition No.                      207193

ASSESSOR                      Refund                      \$1,193.83

S-B-L 162.08-1-10    146089 ORCHARD PARK

	Acct. No. 112	\$614.79	County
	Acct. No. 132	\$579.04	Town/SpecialDist/School
	60019 ORCHARD PARK FIRE PR	\$75.30	
	60141 ERIE CO SEW DST 3	\$55.04	
<u>Charge To :</u>	146089 ORCHARD PARK	\$448.70	

REFUND – CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY THE ASSESMENT WAS 286,900 AND SHOULD BE 209,700. RPTL 550(2)A  
 CHECK FOR: TODD & MICHELLE MUSTERAIT

FISCAL YEAR 2007                      Petition No.                      207194

ASSESSOR                      Cancel                      \$76.75

S-B-L 166.00-2-6    146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$76.75	Town/SpecialDist/School

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**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Charge To :                    146600 WALES                    \$76.75

CANCEL – CLERICAL ERROR, THIS IS AGRICULTURAL LAND AND THERE IS A 6 MONTH DISCOUNT ON THE REFUSE TAX. RPTL 550(2)E

FISCAL YEAR 2007                    Petition No.                    207195

ASSESSOR                    Cancel                    \$153.50

S-B-L 166.04-2-14.22                    146600 WALES

Acct. No. 112                    \$0.00                    County  
 Acct. No. 132                    \$153.50                    Town/SpecialDist/School

Charge To :                    146600 WALES                    \$153.50

CANCEL – CLERICAL ERROR, CHARGED IN ERROR FOR REFUSE TAX PARCEL HAS PRIVATE CONTRACTOR FOR REFUSE PICKUP. RPTL 550(2)E

FISCAL YEAR 2007                    Petition No.                    207196

ASSESSOR                    Cancel                    \$1,822.47

S-B-L 238.16-1-4                    144000 EDEN

Acct. No. 112                    \$1,041.68                    County  
 Acct. No. 132                    \$780.79                    Town/SpecialDist/School

Charge To :                    144000 EDEN                    \$780.79

CANCEL – CLERICAL ERROR, THIS IS A GROUP HOME AND IS EXEMPT FROM CERTAIN TAX. THE EXEMPTION WAS OMITTED FROM THE PARCEL IN ERROR. RPTL 550(2)C

(4-0)

3.     INTRO 6-7 (2007)  
**MILLS & KONST**

WHEREAS, Request for Proposal #RFPA7049VF (RFP) to lease county owned property for the purpose of hosting billboards was issued by the Erie County Division of Budget, Management and Finance on March 5, 2007, seeking proposals by March 19, 2007, and

WHEREAS, the RFP lists three properties for which it is seeking to place billboards, namely: SBL# 103.19-1-16 (Broadway, Buffalo), SBL# 126.09-1-4 (French Road, Buffalo), and SBL# 161.07-1-22 (Delaware Avenue, Orchard Park), which it purports to be feasible properties for outdoor advertising signs, and

WHEREAS, SBL# 161.07-1-22 (Delaware Avenue, Orchard Park) is a parcel of land, located in a wooded area running along New York State Route 219, and

WHEREAS, the Town of Orchard Park has adopted Orchard Park Local Law No. 4 in 2004, which states in relevant part:

§ 144-36. Prohibited signs.

A. The following signs are prohibited in the Town of Orchard Park:

(8) Billboards, except that the Town may establish and off-premises identification signs for businesses, pursuant to §144-38(I) of this chapter; and

WHEREAS, the Town of Orchard Park has spent, to date, over \$300,000 litigating in support of the prohibition of billboards in the Town of Orchard Park, and

WHEREAS, four political parties (Conservative, Democrat, Independence and Republican) in the Town of Orchard Park have acknowledged the community standards of minimizing signage in the Town of Orchard Park by entering into an agreement to not post lawn signs during political campaigns, stating “that the beauty, character and aesthetics of our community should be preserved,” and

WHEREAS, Orchard Park resident Robert Lennartz successfully petitioned the State of New York to name the portion of New York State Route 219 running from Orchard Park to Springville as “Erie County Veterans Memorial Highway” in honor of Erie County residents who have served in the United States military, and

WHEREAS, the Western New York Scenic Byways Committee has submitted a proposal to have New York State declare New York State Route 219 a scenic byway, and

WHEREAS, one of the purposes of a scenic byway designation is to preserve the natural beauty of an area, which it accomplishes in part by preventing the erection of billboards, and

WHEREAS, the County of Erie funded the Western New York Scenic Byways Committee with approximately \$12,000 to pursue scenic byway designation for New York State Route 219, and

WHEREAS, application of the Western New York Scenic Byways Committee has been submitted and reviewed, has received positive feedback from New York State officials, and is believed to be near approval, and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the erection of a billboard along New York State Route 219 would not serve the purpose of honoring Erie County Veterans and would be directly contrary to preserving the scenic beauty along New York State Route 219, as well as being contrary to the community standards of the Town of Orchard Park as evidenced by 2004 Local Law No. 4.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes any proposal which would result in the erection of a billboard on SBL# 161.07-1-22 (Delaware Avenue, Orchard Park), and be it further

RESOLVED, that certified copies of this resolution be distributed to the County Executive and Director of Budget, Management and Finance.

(4-0)

4. COMM. 6E-6 (2007)

**COMPTROLLER**

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2007; and

WHEREAS, Assembly Bill A.5405 and Senate Bill S.2676, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2008.

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 A.5405, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations 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.

Such request is made by the chief executive officer of such municipality, concurred with 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, two copies to the New York State Assembly and two copies to the New York State Senate.

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2007; and

WHEREAS, Senate Bill S.2676 and Assembly Bill A.5405, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2008.

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 S.2676, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations 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.

Such request is made by the chief executive officer of such municipality, concurred with 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, two copies to the New York State Senate and two copies to the New York State Assembly.

(4-0)

5. COMM. 6E-21 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the following grant programs are included in Book B of the 2007 Adopted Budget, and

WHEREAS, the 2007 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal Funds, for the following grant programs which commence on April 1, 2007:

**MEETING NO. 7**  
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**ERIE COUNTY LEGISLATURE**

<u>Department</u>	<u>Grant Program</u>	2007 Budget Book B <u>Page No.</u>
Law	Aid to Localities - Indigent Defense	5
Law	Justice Assistance Grant	5
Central Police Svcs.	Aid to Localities – Laboratory Accreditation Grant	7
Central Police Svcs.	Aid to Crime Labs Program	7
Central Police Svcs.	Firearms Lab Capacity Enhancement	7
District Attorney	Aid to Prosecution	15
District Attorney	Federal Family Violence Prevention Services Act (FFVPSA)	16*

\*Commences on 3/31/07

<u>Department</u>	<u>Grant Program</u>	2007 Budget Book B <u>Page No.</u>
Social Services	CPS Caseload Reduction Grant	63
Social Services	Strengthening Families Program	64

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, Central Police Services, District Attorney, Law, Social Services, the Office of the Comptroller and Division of Budget and Management.

(4-0)

**ROBERT B. REYNOLDS, JR.**  
**CHAIRPERSON**

Item 27 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 92

MARCH 20, 2007

HEALTH COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT.

ALL ITEMS ARE HEREBY TABLED.

**CYNTHIA E. LOCKLEAR**  
**CHAIRMAN**

Item 28 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

MARCH 22, 2007

HUMAN SERVICES COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. **COMM. 6E-11 (2007)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Long Term Care Insurance Education and Outreach Program (LTCIEOP) for the period April 1, 2006 to March 31, 2007 and the Retired and Senior Volunteer Program (RSVP) grants for the period July 1, 2006 to June 30, 2007, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) that the Department has been awarded a \$16,000 grant for the Performance Outcome Measures Project (POMP) program for the period September 30, 2006 to September 29, 2007, and

WHEREAS, the Department desires to use the POMP VIII grant funds to maintain and support the case management system that will compile the POMP statistical results and to cover the cost of POMP-related meetings and conferences coordinated by the New York State Office for the Aging, and

WHEREAS, the RSVP has received \$695 over and above the amount originally budgeted for program income from the public for the 2006/2007 RSVP grant program, and

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**ERIE COUNTY LEGISLATURE**

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out grant objectives, and desires to reflect the additional RSVP funds in the RSVP budget to cover volunteer recognition costs for the 1,150 RSVP volunteers working in community agencies throughout the county, and

WHEREAS, the Department has reviewed the LTCIEOP service objectives and staff involved in carrying out LTCIEOP activities and desires to charge the portion of the Project Coordinator of Special Events time spent on LTCIEOP-related activities to the LTCIEOP grant up to the amount already appropriated for personal service costs, and

WHEREAS, the POMP VIII grant budget needs to be established and the RSVP grant budget needs to be revised, and

WHEREAS, local match is not required for the POMP VIII grant, and

WHEREAS, there are no County funds associated with the LTCIEOP grant and there is no impact on County funds associated with the RSVP grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the POMP VIII funds from New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and is hereby authorized to charge the portion of the Project Coordinator of Special Events time spent on LTCIEOP-related activities to the LTCIEOP grant up to the amount already appropriated for personal service costs, and be it further

RESOLVED, that the budget for the POMP VIII grant, 163POMP0607, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$16,000
	TOTAL REVENUE	<u>\$16,000</u>
APPROPRIATIONS		
510100	Out of Area Travel	\$3,000
	Software Support &	
516020	Modifications	<u>13,000</u>
	TOTAL	
	APPROPRIATIONS	<u>\$16,000</u>

and be it further

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that the budget for the RSVP grant, 163RSVP0607 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
	Other Revenue-Grant			
466100	Program	\$2,500	-\$2,500	\$0
417060	Other Income	0	<u>3,195</u>	3,195
	<b>TOTAL REVENUE</b>		<u><u>\$695</u></u>	
<b>APPROPRIATIONS</b>				
510100	Out of Area Travel	\$1,500	-\$305	\$1,195
	Other Expenses - Vol.			
530000	Recognition	9,163	<u>1,000</u>	10,163
	<b>TOTAL</b>			
	<b>APPROPRIATIONS</b>		<u><u>\$695</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.

(4-0)

**THOMAS J. MAZUR**  
**CHAIRMAN**

Item 29 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

MARCH 22, 2007

COMMUNITY ENRICHMENT COMMITTEE  
 REPORT NO. 4

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 25E-8 (2006)

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

**COUNTY EXECUTIVE:** Extension of Contract w/ Buffalo Niagara Convention & Visitors Bureau through 12/31/07 – Appropriation of \$2,100,000 to the Buffalo Niagara Convention & Visitors Bureau  
 (4-0)

2. **COMM. 5E-8 (2007) AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Convention Center and Visitors Bureau (CVB) provides a variety of sales and marketing efforts aimed at convention, athletic and tourism markets which results in a positive economic impact on Western New York, and

WHEREAS, funding is available for this request in the 2006 Bed Tax Revenue account, and

WHEREAS, the investment of an additional \$761,579 into tourism marketing activity will ensure a great return to the residents of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization from the County Executive to enter into contract with the Convention Center and Visitors Bureau in order to increase funding and provide enhanced sales and marketing efforts for Erie County, and be it further

RESOLVED, that authorization is granted to make the following budgetary adjustments in the 2006 Budget, fund 110, in order to implement this request:

Expense		
Convention Center – Fund Center 1331030		Increase
516000	Convention Center Mgmt. Corp.	761,579

and be it further,

RESOLVED, that authorization provided to reappropriate said 2006 funds into 2007 as required to facilitate payment, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Department of Environment and Planning and the Director of Budget and Management; and be it further

RESOLVED, that the actual amount of the TPA Bed Tax revenues as defined in the 2006 contract by and between the County of Erie and the Buffalo Niagara Convention & Visitors Bureau, Inc. for the year ended December 31, 2006 will exceed the amount previously advanced the organization resulting in an additional amount of TPA Bed Tax Revenues due under this contract. Based on a revised and final calculation the Bed Tax Revenue is \$781,700.75 and was certified by Budget Office and Comptrollers Office.

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**ERIE COUNTY LEGISLATURE**

	Revenue
Total Hotel Occupancy Tax Generated	6,608,304.59
Less County Administrative Fee (Acct 402200)	99,000.00
Hotel Tax (acct 402300)	6,509,304.59
Amount due to CVB (4-0)	781,700.75

**MICHELE M. IANNELLO**  
**CHAIRPERSON**

Item 30 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 95

MARCH 22, 2007

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18E-11 (2006)  
**COUNTY EXECUTIVE:** DPW – Ticor Building – Renovations for County Attorney’s Offices  
(4-0)
  - b. COMM. 3E-52 (2007)  
**MARINELLI:** Economic Development Committee Matrix Training  
(4-0)
  - c. COMM. 4E-22 (2007)  
**KENNEDY:** Local Law Relating to School 84  
(4-0)

**TIMOTHY M. KENNEDY**  
**CHAIRMAN**

Item 31 – MR. LOUGHRAN presented the following report, moved to separate Item No. 6 and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

MARCH 22, 2007

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5E-19 (2007)  
**MILLS:** Correspondence from the Army Corps. of Engineers and the NYS DOT  
(5-0)
  - b. COMM. 5M-5 (2007)  
**BUFFALO COMMON COUNCIL:** Copy of Certified Resolutions: "Completing the Formation of a Parks Advisory Board" and "Opposition to Olmsted Conservancy Imposing Fees Upon Youth Sports Organization"  
(5-0)
  - c. COMM. 5M-6 (2007)  
**TOWN OF COLDEN:** Support for an Ice Skating/Roller Skating Rink Located in Erie County's Sprague Brook Park  
(5-0)
  - d. COMM. 6E-17 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 6  
(5-0)
  - e. COMM. 6E-18 (2007)  
**COUNTY EXECUTIVE:** Sewerage Management - Engineering Service Agreement - URS-7, Leg. Comm. 21E-33  
(5-0)
  - f. COMM. 6E-19 (2007)  
**COUNTY EXECUTIVE:** Sewerage Management - Engineering Service Agreement - URS-8, Leg. Comm. 21E-33  
(5-0)
  - g. COMM. 6E-20 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Professional Services Agreement w/ CRA Infrastructure and Engineering, Inc.  
(5-0)
2. COMM. 4E-16 (2007)  
**COUNTY EXECUTIVE**

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, in accordance with recommendations from residents of the County of Erie, the Commissioner of Parks, Recreation and Forestry would like to initiate a new Twilight Greens Fee at Elma Meadows and Grover Cleveland Golf Courses, and

WHEREAS, the study shows that most pay as you play golf courses offer a twilight greens fee to increase revenue and better serve the patrons of their establishment, and

WHEREAS, increases in the minimum wage, the restoration of staffing levels and rising expenses related to maintaining the golf courses has forced the department to seek out ways to cover these rising expenses with a minimal impact to taxpayers, and

WHEREAS, implementing an \$11.00 Twilight Greens Fee at Elma Meadows and Grover Cleveland starting at 5:30 p.m. could enhance revenue with no added cost to the payroll.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby establishes and imposes, effective opening day of the 2007 golf season, a Twilight Greens Fee for Elma Meadows and Grover Cleveland Golf Courses in the amount of \$11.00 for all play after 5:30 p.m., and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation & Forestry, the Erie County Executive, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

3. COMM. 6E-13 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie/Erie County Sewer District No. 6 has initiated plans to undertake the rehabilitation of the existing sanitary sewer in Holland, Wilson and Wilmuth Avenues in the City of Lackawanna; and

WHEREAS, the Erie County Water Authority intends to replace the existing water main located in Holland Avenue; and

WHEREAS, the Erie County/Erie County Sewer District No. 6 and the Erie County Water Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the sanitary sewer rehabilitation project and the water main replacement project in order to achieve cost containment and efficiency and to minimize inconvenience to the public; and

WHEREAS, the Erie County/Erie County Sewer District No. 6 and the Erie County Water Authority desire to enter into a Cooperative Agreement to utilize an Inspector and Engineer for General Services During Construction in order to minimize costs and provide efficiency.

NOW, THEREFORE, BE IT

**MEETING NO. 7**  
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**ERIE COUNTY LEGISLATURE**

RESOLVED, that a Cooperative Agreement between the County, on behalf of Erie County Sewer District No. 6 and the Erie County Water Authority to combine the water main replacement in Holland Avenue with the Erie County Sewer District No. 6. Holland Avenue sanitary sewer rehabilitation project is hereby approved; and be it further

RESOLVED, that the Cooperative Agreement between the County, on behalf of Erie County Sewer District No. 6 and the Erie County Water Authority to utilize the Erie County Water Authority's Consultant Engineer (TVGA) for General Services and Inspection at a cost not to exceed \$50,000, for the sanitary sewer rehabilitation and the water main replacement is hereby approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate, not to exceed \$50,000 for engineering services from Sewer Capital, Erie County Sewer District No. 6 Account C.00064, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said Cooperative Agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.  
 (5-0)

4. COMM. 6E-14 (2007)

**COUNTY EXECUTIVE**

WHEREAS, Erie County has undertaken a Commercial Center Improvement Program through the federally funded Community Development Block Grant; and

WHEREAS, the objective of the Program is to financially assist owners of commercial properties operating retail/business establishments within city, village, and hamlet retail centers located in Erie County Community Development Consortium communities; and

WHEREAS, in order to successfully carry out the Program professional architectural services are required to complete certain technical components of the Commercial Center Improvement Program.

NOW, THEREFORE, BE IT

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project J.00506.2.28, Façade Program – Commercial; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute a contract with Clinton Brown Company Architecture, P.C. for commercial façade architectural services in an amount not to exceed \$45,000; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget, Management, and Finance; the County Attorney; and the Erie County Comptroller.

(5-0)

5. COMM. 6E-15 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U. S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, through Legislative resolution (Comm. 6E-21) dated April 13, 2000, the Department of Environment and Planning (DEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

WHEREAS, through Legislative resolutions (Comm. 14E-33, Comm. 12E-19, Comm. 15E-44, Comm. 14E-13, Comm. 13E-22) dated July 5, 2001, June 20, 2002, July 8, 2004, June 2, 2005, and July 27, 2006, the DEP accepted from NYSERDA a total of \$416,088 in grant resources to continue to coordinate the Rebuild Partnership into the year 2007; and

WHEREAS, as a result of the DEP's success, NYSERDA made an additional \$45,189.23 in grant resources available to maintain the existing staff and continue to coordinate the Rebuild Partnership through April 2007.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept a grant of \$45,189.23 from NYSERDA to continue to coordinate the Rebuild Western New York Partnership, and be it further

RESOLVED, that the new revenue from the NYSERDA program is hereby appropriated in the grant as follows:

Grant validity date; 10/1/06 – 4/30/07

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current</u> <u>Budget</u>	<u>Revisions</u>	<u>Revised</u> <u>Budget</u>
500000	Salaries	73,101.15	31,557.85	104,659

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502000	Fringe Benefits	30,110.62	13,631.38	43,742
505000	Office Supplies	500		500
510000	Local Mileage			
	Reimbursement	300		300
510100	Out of Area Travel	2,700		2,700
510200	Training &	876		876
	Education			
516020	Professional Service			
	Contract & Fees	2,500		2,500
530000	Other Expenses	0		0
561410	Lab & Technical	500		500
	Equipment			
561420	Office Equipment	500		500
<b>TOTAL</b>		<b>\$111,087.77</b>	<b>\$45,189.23</b>	<b>\$156,277</b>
<b>APPROPRIATIONS:</b>				

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.  
(5-0)

6. COMM. 6E-16 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County \$328,000 to establish the Western New York Stormwater Coalition Local Ordinance Project; and

WHEREAS, the Western New York Stormwater Coalition membership provided the required local match in cash and in-kind services; and

WHEREAS, it is necessary to enter into agreements with the Village of Alden, Town of Alden, Town of Amherst, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Town of Eden, Town of Lancaster, Town of West Seneca, Town of Cambria, Niagara Falls Water Board and Town of Wheatfield to permit access to grant funds to implement ordinances and funding mechanisms to support their Stormwater Management Programs; and

WHEREAS, the Village of Alden, Town of Alden, Town of Amherst, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Town of Eden, Town of Lancaster, Town of

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West Seneca, Town of Cambria, Niagara Falls Water Board and Town of Wheatfield will be required to work in accordance with a workplan approved by DEP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into agreements with the Village of Alden, Town of Alden, Town of Amherst, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Town of Eden, Town of Lancaster, Town of West Seneca, Town of Cambria, Niagara Falls Water Board and Town of Wheatfield; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

**THOMAS A. LOUGHRAN**  
**CHAIRMAN**

MS. WHYTE moved to amend Item No. 6. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

DELETE the fourth and fifth WHEREAS clauses in their entirety and replace with the following:

WHEREAS, it is necessary to enter into agreements with the Village of Alden, Town of Alden, Town of Amherst, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Town of Eden, Village of Lancaster, Town of Lancaster, Town of West Seneca, Town of Cambria, Niagara Falls Water Board and Town of Wheatfield to permit access to grant funds to implement ordinances and funding mechanisms to support their Stormwater Management Programs; and

WHEREAS, the Village of Alden, Town of Alden, Town of Amherst, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Town of Eden, Village of Lancaster, Town of Lancaster, Town of West Seneca, Town of Cambria, Niagara Falls Water Board and Town of Wheatfield will be required to work in accordance with a workplan approved by DEP.

DELETE the first RESOLVED clause in its entirety and replace with the following:

RESOLVED, that the County Executive is authorized to enter into agreements with the Village of Alden, Town of Alden, Town of Amherst, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Town of Eden, Village of Lancaster, Town of Lancaster, Town of West Seneca, Town of Cambria, Niagara Falls Water Board and Town of Wheatfield; and be it further

MS. WHYTE moved to approve Item No. 6 as amended. MR. KENNEDY seconded.

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CARRIED UNANIMOUSLY.

Item 32 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

MARCH 22, 2007

PUBLIC SAFETY COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 6M-10 (2007)  
**ALDEN TOWN COUNCIL**: Certified Resolution – Sheriff Levels  
 (4-0)

2. COMM. 6E-28 (2007)  
**SHERIFF**

WHEREAS, on December 22, 2006 the County of Erie sold by formal bid surplus helicopter parts that the Erie County Sheriff's Office obtained through their participation in the 1208 Military Surplus Program; and

WHEREAS, participation in this program requires that the property or any funds derived from the sale of said property be used in the performance of the official duties of the Erie County Sheriff's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller's Office establish an interest bearing reserve account for the Erie County Sheriff's Office; and be it further

RESOLVED, that the proceeds from the sale of surplus helicopter parts be deposited in the reserve fund for the exclusive use of the Erie County Sheriff's Office; and be it further

RESOLVED, that the Erie County Sheriff's Office shall submit a resolution to the Legislature for the purpose of establishing appropriations based on the available balances in the respective reserve account; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, Department of Purchasing, the Erie County Comptroller and the Office of the Sheriff for implementation.  
 (4-0)

**DANIEL M. KOZUB**  
**CHAIRMAN**

Item 33 – MS. WHYTE presented the following report, moved to separate Item No. 2 and approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

MARCH 22, 2007

GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 6-12 (2006)  
**HOLT:** Erie County Personnel  
 (5-0)
  - b. COMM. 3E-2 (2007)  
**HOLT:** Lease Agreement for Legislative Office Space  
 (5-0)
  - c. COMM. 6D-1 (2007)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
 (5-0)
  - d. COMM. 6M-8 (2007)  
**PARTNERS FOR A LIVEABLE WESTERN NEW YORK:** Recommendation of Support for Erie Niagara Framework for Regional Growth  
 (5-0)
2. COMM. 6E-22 (2007)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Division of Information and Support Services needs to retain a Consultant to provide services for Project Preparation and Business Blueprint Development Services SAP Plant Maintenance Implementation; and

WHEREAS, proposals were advertised for, and received, and a professional services selection process completed in accordance with Section 19.08 of the Erie County Administrative Code; and

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WHEREAS, the Divisions of Information and Support Services and Sewerage Management have recommended the firm of New Dimension Solutions, 734 Franklin Avenue, #514, New York, Garden City, New York 11530.

NOW, THEREFORE, BE IT

RESOLVED, that the consulting firm of New Dimension Solutions be retained at a cost not to exceed \$290,000.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of New Dimension Solutions, 734 Franklin Avenue, #514, New York, Garden City, New York 11530, to provide the needed consulting services subject to approval as to form by the County Attorney's Office and approval as to content by the Director of the Division of Information and Support Services and Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the resolution to Joseph Gervase, Director, Division of Information and Support Services, two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and to the Director of Budget, Management and Finance.  
 (5-0)

3. COMM. 6E-23 (2007)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the joint appointment of the Erie County Executive and Erie County Clerk of Nancy J. Mueller, Manager of the Central Library's Business, Science and Technology Department to the Erie County Records Commission.  
 (5-0)

**MARIA R. WHYTE**  
**CHAIRPERSON**

CHAIRPERSON MARINELLI directed that Item No. 2 be returned to the GOVERNMENT AFFAIRS COMMITTEE for further consideration.

GRANTED.

**LEGISLATORS RESOLUTIONS**

Item 34 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

MR. RANZENHOFER presented a challenge to the chair.

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AYES: MILLS, RANZENHOFER, WEINSTEIN and LOCKLEAR. NOES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE.

FAILED. (4-11)

INTRO 7-1 from LEGISLATORS WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR  
Re: Supporting the Proposed Changes to the NYS Real Property Tax Law

Item 35 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

MR. WEINSTEIN presented a challenge to the chair.

AYES: MILLS, RANZENHOFER, WEINSTEIN. NOES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE.

FAILED. (3-12)

INTRO 7-2 from WEINSTEIN, MILLS & RANZENHOFER Re: Providing the Buffalo Niagara Convention & Visitors Bureau with a Dedicated Funding Stream

Item 36 – CHAIRPERSON MARINELLI directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 7-3 from WEINSTEIN, MILLS & RANZENHOFER Re: Refinancing of Ten County Bonds

Item 37 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-4 from KENNEDY Re: Calling for the Collaboration Between the Region's Higher Education Institutions and the Buffalo Employment and Training Center

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

RE: Safety and Health Inspections of Parks Buildings (INTRO 7-5)

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**ERIE COUNTY LEGISLATURE**

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

WHEREAS, the overall security of buildings in the Erie County Parks system is shown to be inadequate with the taxpayers of Erie County liable for losses; and

WHEREAS, certain parks' superintendents housing has been recognized as substandard; and

WHEREAS, the Legislature has learned that these conditions have existed for some time without any review and recommendations made by management to the Legislature on the issue of addressing these problems.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature calls for the Department of Parks to provide to the Legislature safety and health inspections of all parks facilities and report the findings along with recommendations to the Legislature within 45 days of the approval of this resolution.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded. MR. WEINSTEIN voted in the negative.

CARRIED. (14-1)

DELETE the second WHEREAS clause in its entirety and Replace with the following:

**WHEREAS**, certain parks employee housing units have been recognized as substandard; and

DELETE the first RESOLVED clause in its entirety and replace with the following:

**RESOLVED**, the Erie County Legislature does hereby call upon the Parks Department to provide to the Legislature an OSHA compliant safety and health inspection of each park employee housing unit and report findings along with recommendations to the Legislature within 45 days of the approval of the resolution.

MS. WHYTE moved to approve the item as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

RE: Technical Changes to the Legislature's  
 Budget (INTRO 7-6)

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**ERIE COUNTY LEGISLATURE**

**A RESOLUTION SUBMITTED BY  
 LEGISLATOR MARINELLI**

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2007 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2007:

EFFECTIVE APRIL 2, 2007

Fund Center 100 Cost Center 1005017 District Office Staff

CHANGE (1) Administrative Assistant Leg District Office PT Position Number 51003057 from JG 10 Step 1 to JG 10 Step 2 effective January 6, 2007

CORRECT (1) Administrative Assistant Leg District Office RPT Position Number 51004146 from JG 7 Step 4 to JG 6 Step 2 effective January 6, 2007

DELETE (1) Administrative Clerk Position Number 51004207 (JG 7 Step 4)  
 And Replace with Administrative Clerk RPT (JG7 Step 4) and Administrative Clerk PT (JG7 Step 4) effective April 5, 2007

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

RE: Support for Proposal of WNY Workforce Innovation Council for W.I.R.E.D. Grant from the US Department of Labor (INTRO 7-7)

**A RESOLUTION SUBMITTED BY LEGISLATORS  
 MARINELLI, WHYTE, KENNEDY,  
 IANNELLO and REYNOLDS**

WHEREAS, the Western New York Workforce Innovation Council is requesting funding under the Workforce Innovation in Regional Economic Development – Third Generation (“WIRED”) Initiative; and

WHEREAS, the Workforce Innovation Council will serve as the workforce development component of the Western New York Regional Partnership for Advance Technology and Commercialization (“Regional Partnership”); and

WHEREAS, the purpose of WIRED is to bring together companies, workers, researchers, entrepreneurs and governments to create a competitive advantage for the region. The centerpiece of

the strategy is to align workforce development with economic development and education at the regional level to facilitate innovation; and

WHEREAS, the Regional Partnership was formed in response to the RFP from the New York State Office of Science, Technology and Academic Research (“NYSTAR”) with the goal of transforming regional economies through innovation; and

WHEREAS, the Regional Partnership serves a geographic area that includes Allegany, Cattaraugus, Chautauqua, Erie, and Niagara Counties; and

WHEREAS, the purpose of NYSTAR Regional Partnerships is to bring together academic and research institutions, economic development agencies, workforce development organizations, entrepreneurs, and the business community to help innovative companies commercialize new technologies and compete in a global marketplace; and

WHEREAS, the Regional Partnership has targeted life sciences and advanced manufacturing sectors for assistance and plans to transform the regional economy through the adoption of new technologies by targeting businesses and the commercialization of newly patented technology; and

WHEREAS, in order to match the targeted industries, the Workforce Innovation Council is comprised of education and training organizations with expertise in manufacturing and life sciences; and

WHEREAS, the Third Generation of the WIRED Initiative was designed to position local Workforce Investment Boards as leaders of a strategic regional partnership; and

WHEREAS, the lead agency for the Workforce Innovation Council is the Buffalo and Erie County Workforce Investment Board, Inc., an organization with a successful track record of developing education and training services for such companies. Other partners serving on the Council include Chautauqua Works and the Niagara County Workforce Investment Board, Alfred State College’s Manufacturing Technology Program, the University at Buffalo’s programs in Biotechnology and Technology Entrepreneurship, Erie and Niagara County Community Colleges, Insyte Consulting, the New York State Center of Excellence in Bioinformatics, Buffalo Public Schools and Erie-Chautauqua-Cattaraugus BOCES; and

WHEREAS, with support from the WIRED grant, a continuum of programs will provide a talented workforce for advanced manufacturing, biotechnology, and medical technology industries including:

- A new program for K-12 students to introduce them to careers and post-secondary education in manufacturing and biotechnology.
- New certificate and Associate Degree programs in Biomanufacturing at Erie and Niagara County Community Colleges.
- Expansion and improvement of the baccalaureate program in Manufacturing Technology at Alfred State College.
- Expansion and improvement of the baccalaureate program in Biotechnology at the University of Buffalo.

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- Articulation agreements to facilitate the transfer of students at community colleges in the region to Alfred State, the University at Buffalo, and Canisius College baccalaureate programs in manufacturing and biotechnology.
- A new program for technology entrepreneurs at the University at Buffalo School of Management.
- Employee training grants to manufacturing, biotechnology, and medical technology companies in the region; and

WHEREAS, the amount of the WIRED grant is \$5 Million and there will only be 13 recipients; and

WHEREAS, only Governors may apply on behalf of regions within their states or across state lines for WIRED initiative grants. Each Governor may submit up to two applications.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its full support for the Workforce Innovation Council application for a WIRED grant and urges Governor Spitzer to submit the application to the Department of Labor; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to Governor Eliot Spitzer, Senator Hillary Clinton, Senator Charles Schumer, Congressman Brian Higgins, Congressman Thomas Reynolds, Congressperson Louise Slaughter, the Western New York delegation to the State Legislature, Robert Martin – President, Insyte Consulting, Bruce A. Holm – Executive Director, the NYS Center for Excellence in Bioinformatics & Life Sciences, David Hohn – President & CEO, Roswell Park Cancer Institute, Robert J. Genco – Vice Provost, the University at Buffalo Office of Science, Technology Transfer, and Economic Outreach, Andrew J. Rudnick – President & CEO, Buffalo Niagara Partnership, Thomas A. Kucharski – President & CEO, Buffalo Niagara Enterprise, Alfred D. Culliton – Chief Financial Officer, Erie County Industrial Development Agency, Samuel M. Ferraro – Executive Director, Niagara County Industrial Development Agency, William Daly – Director, Chautauqua County Industrial Development Agency, Thomas Reidy – Chairman – the Buffalo and Erie County Workforce Investment Board, Carrie Kahn – Executive Dean of Workforce Development, Erie Community College, Timothy Doolittle, Regional Director – Empire State Development.

MS. WHYTE moved to amend item for Et Al Sponsorship. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the item as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 41 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-8 from MARINELLI, WHYTE, KOZUB, GRANT, KENNEDY & REYNOLDS  
 Re: Sale of TOPS Markets

Item 42 – MR. RANZENHOFER moved to send the following item to the ECONOMIC DEVELOPMENT COMMITTEE. MR. KOZUB seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST and KOZUB. NOES: GRANT, IANNELLO, KENNEDY, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. (AYES: 5; NOES: 10)

FAILED.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded. MR. MILLS, MR. RANZENHOFER, MR. WEINSTEIN, MS. KONST, MR. KOZUB and MR. REYNOLDS voted in the negative.

CARRIED. (9-6)

RESOLUTION NO. 102

RE: Support for the Merger of the Erie County IDA and the Amherst IDA (INTRO 7-9)

**A RESOLUTION SUBMITTED BY  
 LEGISLATORS MARINELLI, WHYTE, IANNELLO,  
 GRANT and KENNEDY**

WHEREAS, there are currently six Industrial Development Agencies (“IDA”) in Erie County: Erie County IDA, Amherst IDA, Hamburg IDA, Concord IDA, Clarence IDA and Lancaster IDA; and

WHEREAS, there has long been pressure to consolidate the six IDAs in Erie County, with particular attention on the two largest IDAs, the Erie County IDA and the Amherst IDA, to merge; and

WHEREAS, among the many reasons cited for favoring IDA consolidation is that it presents a unified approach to economic development in the County and simplifies the process for businesses looking to expand in Erie County; and

WHEREAS, numerous and often competing IDAs in Erie County has led to chaotic development practices, the development of subsidized and speculative office complexes, increased sprawl and higher taxes for all residents of Erie County; and

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WHEREAS, ECIDA and the Amherst IDA have recently announced they are engaged in negotiations to reach a merger agreement rather than go through the longer process of State Legislation to consolidate their services; and

WHEREAS, Lynn Marinelli, Chair of the Erie County Legislature and Timothy Kennedy, Chair of the Erie County Legislature's Economic Development Committee, serve on the ECIDA Board and participated in the unanimous vote to support the merger; and

WHEREAS, one proposed aspect of this agreement would leave the Amherst IDA in existence to deal with smaller-scale redevelopment issues within the Town of Amherst while the ECIDA, renamed the Erie County Regional Development Corp., in charge of handling the region's major projects and initiatives; and

WHEREAS, the creation of a Erie County Regional Development Corp. would benefit the region as a whole while allowing Amherst to continue to have an IDA focused on smaller-scale neighborhood projects that benefit the Town of Amherst.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the concept of the Amherst IDA, as well as the other smaller IDAs, to contract with the Erie County Industrial Development Agency to handle large projects; and be it further

RESOLVED, that a representative of the Erie County IDA is requested to appear before the Economic Development Committee to discuss the aforementioned matter; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Erie County IDA and the Amherst IDA.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 43 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda. MR. WEINSTEIN opposed the suspension of the rules.

GRANTED. (14-1)

INTRO 7-10 from REYNOLDS Re: 2006 30-Day Open Period for Inclusion Into an Agricultural District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

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**ERIE COUNTY LEGISLATURE**

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GRANTED.

COMM. 7E-28 from the COUNTY EXECUTIVE Re: Copy of Letter to ECFSA Chair Re: XSPAND Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 45 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7E-29 from the COUNTY EXECUTIVE Re: Dunn Tire Park - 2007 Capital Projects - Architect/Engineer Agreement Amendment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-20 from the ERIE COUNTY FISCAL STABILITY AUTHORITY Re: 2006 Financial Statement Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 47 – MR. RANZENHOFER moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

MS. WHYTE moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 103

RE: Legislature Wishes Buffalo Sabres Luck in the NHL Playoffs (INTRO 7-11)

**A RESOLUTION SUBMITTED BY:**  
**LEGISLATORS RANZENHOFER, MARINELLI, WHYTE, MILLS, KOZUB, KENNEDY,**  
**MILLER-WILLIAMS, KONST, GRANT, MAZUR, LOCKLEAR, IANNELLO,**  
**REYNOLDS, LOUGHRAN, AND WEINSTEIN**

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

WHEREAS, The Buffalo Sabres have demonstrated remarkable skill and player performance in recent years, particularly during this past season, and

WHEREAS, The Buffalo Sabres, their coaching staff, owner and fans deserve the recognition and appreciation of the Erie County Legislature, and

WHEREAS, The outstanding performance of the Buffalo Sabres this year was highlighted during their 6-4 defeat of the New York Islanders on March 30, 2007, when the Sabres set a franchise record with their second consecutive season of 50 wins, and

WHEREAS, On April 3, 2007, in a 4-1 defeat of the Pittsburgh Penguins, the Buffalo Sabres earned the top seed in the Eastern Conference, plummeting them into the National Hockey League Playoffs, and

WHEREAS, With the April 3, 2007 victory over the Penguins, the Sabres also claimed the Northeast Division Crown.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature officially recognizes the winning record and successful performance of the Buffalo Sabres, and be it further

RESOLVED, that this honorable body commends the players, their leadership and thanks the fans for their dedication to the team, and be it further

RESOLVED, That the Erie County Legislature goes on record wishing the Sabres and their organization luck and success in the upcoming National Hockey League Playoffs which will ultimately bring the Stanley Cup to Buffalo, a loyal and deserving place.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR MILLS**

Item 48 – (COMM. 7E-1) Copy of Letter to Konst Re: Rules, Procedures, and Terms and Conditions in Place for the Removal of lected Officials

Received and referred to the PERSONNEL COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 49 – (COMM. 7E-2) Cost Allocation Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Item 50 – (COMM. 7E-3) Copy of Letter to ECFSA Chair Re: Response to 3/26/07 ECFSA Board Discussion

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR LOCKLEAR**

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. LOCKLEAR abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

RE: Lease Agreement for Legislative Office Space (COMM. 7E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with the Town of West Seneca for Legislative office space for Cynthia E. Locklear, located at 12 School St., Upper, West Seneca for a monthly rate of \$650.

**FROM THE COMPTROLLER**

Item 52 – (COMM. 7E-5) 1% Sales and Compensating Use Tax Revenue Sharing with Local Governments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 53 – (COMM. 7E-6) Erie Community College

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR WHYTE**

Item 54 – MR. KENNEDY presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. WHYTE abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: Lease Agreement for Legislative Office Space (COMM. 7E-7)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Concerned Ecumenical Ministries for Legislative office space for Maria R. Whyte, located at 286 Lafayette Ave., Buffalo for a monthly rate of \$600.

**FROM LEGISLATOR GRANT**

**MEETING NO. 7**  
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**ERIE COUNTY LEGISLATURE**

Item 55 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. GRANT abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

RE: Lease Agreement for Legislative Office  
 Space (COMM. 7E-8)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Richard Cumming for Legislative office space for Betty Jean Grant, located at 790 East Delavan Ave., Buffalo for a monthly rate of \$650.

FROM LEGISLATOR MARINELLI

Item 56 – (COMM. 7E-9) Reappointment / Appointment of Commissioner to the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 57 – (COMM. 7E-10) Majority Leader Appointment to the Erie County Bar Assn. Aid to Indigent Prisoners Society, Inc., Assigned Counsel Program

Received, Filed and Printed.

March 28, 2007

Mr. Stephen R. Lamantia, Esq.  
 President  
 Bar Association of Erie County  
 438 Main Street, 6th Floor  
 Buffalo, New York 14202

Dear Mr. Lamantia:

As Majority Leader of the Erie County Legislature, I hereby recommend to the Bar Association of Erie County the appointment of Ms. Karen Welch, Esq. to the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc., Assigned Counsel Program.

I have attached Ms. Welch's resume for your review. As you will notice, Ms. Welch is currently employed at Neighborhood Legal Services and has a keen interest in efficiently providing legal services to the poor.

Thank you for your assistance and courtesies.

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Sincerely,

Maria R. Whyte  
 Majority Leader  
 Erie County Legislature

Enc.

cc: Robert D. Lonski, Esq., Administrator of the Assigned Counsel Program  
 Karen Welch, Esq.  
 Robert M. Graber, Clerk of the Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 7E-11) Appropriation of Funds for the Hauptman-Woodward Research Institute

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 59 – (COMM. 7E-12) Appointment to Erie County Traffic Safety Advisory Board

Received, Filed and Printed.

April 3, 2007

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

**Re: Appointment to Erie County Traffic Safety Advisory Board**

Dear Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individual to the Traffic Safety Advisory Board, for the term stated.

NAME AND ADDRESS

TERM EXPIRATION

Lieutenant Timothy Waring  
 Town of Tonawanda Police  
 1835 Sheridan Drive

December 31, 2009

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Kenmore, New York 14223

Lieutenant Timothy Waring will replace Lieutenant Darren Benevento who has resigned.

Respectfully submitted,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

JAG/jdj

cc: Appointee  
 James Michel, Chairman ECTSAB  
 John Sullivan, Erie County Stop DWI

Item 60 – (COMM. 7E-13) Appointment to the Erie County Cultural Resources Advisory Board

Received, Filed and Printed.

April 3, 2007

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

**Re: Appointment to the Erie County Cultural Resources Advisory Board (CRAB)**

Honorable Members:

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I hereby appoint the following individual to the Erie County Cultural Resources Advisory Board for the term noted below.

Joseph P. Dispenza, President Forest Lawn Cemetery 1411 Delaware Avenue Buffalo, New York 14209	December 31, 2007
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John E. Oehler, Managing Partner Lumsden & McCormick, LLP 403 Main Street, Suite 430 Buffalo, New York 14203	December 31, 2007
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James Pappas Professor, University at Buffalo	December 31, 2007
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**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

108 Depew Avenue  
 Buffalo, New York 14214

Stephen C. Studley, CPA, CFP, CLU, ChFC  
 Dopkins & Company, LLP  
 200 International Drive  
 Williamsville, New York 14221

December 31, 2007

Very truly yours,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/jdj

cc: Appointees  
 Commissioner Drew Eszak

Item 61 – (COMM. 7E-14) Appointment and Reappointment to the Erie County Board of Health

Received, Filed and Printed.

April 3, 2007

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

**Re: Appointment and Reappointment to the Erie County Board of Health**

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby appoint/reappoint the following individuals to the Board of Health, for the term stated.

**Reappointment**

NAME AND ADDRESS

TERM EXPIRATION

Carolyn Montgomery  
 57 Meadowbrook Road  
 Williamsville, New York 14221

December 31, 2012

**Appointment**

Krista Van Wagner

December 31, 2012

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

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Curly's Bar & Grill Inc.  
647 Ridge Board  
Lackawanna, New York 14218

John Davanzo, President/CEO  
Mercy Hospital of Buffalo  
565 Abbott Road  
Buffalo, New York 14220

December 31, 2012

Very truly yours,

**JOEL A. GIAMBRA**  
**ERIE COUNTY EXECUTIVE**

JAG/jdj

cc: Appointees  
Commissioner Anthony Billittier, MD, Department of Health

Item 62 – (COMM. 7E-15) Social Services - Salient Corporation Case Tracking Software Contract

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 63 – (COMM. 7E-16) 2007 Risk Retention Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 64 – (COMM. 7E-17) Senior Services - Authorization to Amend the III-C-1 and CSI Grant Budgets

Item 65 – (COMM. 7E-18) Social Services - Preventive Services Contracts Cost of Living Allowance

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 66 – (COMM. 7E-19) Award of Contract - ECSD No. 4 - William St. and Old Schoolhouse Road - Sewer Extension - Contract 36

Item 67 – (COMM. 7E-20) ECSD Nos. 1-6 & 8 – NYSDEC

Item 68 – (COMM. 7E-21) DEP - Pollution Prevention Reuse and Recycling Technical Assistance Program

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Item 69 – (COMM. 7E-22) District Attorney's Office - Video Recording of Statements Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 70 – (COMM. 7E-23) CPS/Emergency Services - Proposed Resolution to Retain an Existing Part-Time Laborer

Received and referred to the PERSONNEL COMMITTEE.

Item 71 – (COMM. 7E-24) DEP - Analysis of Impediments to Fair Housing Choice Agreements – Revision

Item 72 – (COMM. 7E-25) Award of Contract - ECSD No. 3 - Boston State Road Sanitary Sewer Extension

Item 73 – (COMM. 7E-26) No-Cost Budget Revision for the Pollution Prevention Technical Assistance Grant Program

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 74 – (COMM. 7E-27) 2007 Bond Resolution for ECC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 75 – (COMM. 7D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ERIE COMMUNITY COLLEGE**

Item 76 – (COMM. 7D-2) Notice of Monthly Meeting of the Board of Trustees Held 3/28/07

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 77 – (COMM. 7D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

**MEETING NO. 7**  
**APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

Item 78 – (COMM. 7D-4) Copy of Letter to County Attorney Re: Audit of Risk Retention Fund and Law Department Professional Services Account

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BUDGET DIRECTOR**

Item 79 – (COMM. 7D-5) Efficiency Grants

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 80 – (COMM. 7D-6) Notice of Public Hearing – Local Law Intro. No. 2-2007

Received, Filed and Printed.

**ERIE COUNTY DEPARTMENT OF LAW**

**MEMORANDUM**

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TO: PLEASE SEE LIST BELOW

FROM: Brian D. White, Assistant County Attorney

DATE: April 2, 3007

RE: Notice of Public Hearing  
 Local Law Intro. No. 2-2007

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Enclosed for your information is a copy of the Notice of Public Hearing for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on July 27, 2006, and which will be published in the County's two official newspapers next week.

Attachment

Hon. Lynn M. Marinelli, Chair  
 Hon. Maria R. Whyte, Majority Leader  
 Hon. Barry A. Weinstein, M.D., Minority Leader  
 Hon. Daniel M. Kozub  
 Hon. Timothy M. Kennedy  
 Hon. Betty Jean Grant  
 Hon. Michael H. Ranzenhofer  
 Hon. Kathy Konst

**MEETING NO. 7  
APRIL 5, 2007**

**ERIE COUNTY LEGISLATURE**

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Hon. Demone A. Smith  
Hon. Thomas J. Mazur  
Hon. Cynthia E. Locklear  
Hon. Michelle M. Iannello  
Hon. Robert B. Reynolds, Jr.  
Hon. John J. Mills  
Hon. Thomas A. Loughran  
Robert M. Graber, Clerk, Erie County Legislature  
Sean Ryan, Chief of Staff  
Warren Galloway, Senior Executive Assistant to the County Executive  
Matthew Spina, The Buffalo News

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing on April 11, 2007 at 10:00 a.m. concerning:**

**A LOCAL LAW providing for the Lease of New School 84 to the Buffalo Board of Education.**

**The hearing will be held in the Erie County Legislature Chambers, 92 Franklin Street, 4<sup>th</sup> Floor, in the City of Buffalo, New York.**

**On March 15, 2007, the Erie County Legislature adopted Erie County Local Law Intro. No. 2-2007. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4<sup>th</sup> Floor of 92 Franklin Street, in the City of Buffalo, New York.**

**JOEL A. GIAMBRA  
Erie County Executive**

**FROM THE BUDGET DIRECTOR**

Item 81 – (COMM. 7D-7) NYSAC Membership

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM JUDGE EUGENE F. PIGOTT, JR.**

Item 82 – (COMM. 7M-1) Comm. 5E-21 (2007) - Lease of Space for Court of Appeals Chambers

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE ORCHARD PARK TOWN BOARD**

Item 83 – (COMM. 7M-2) Certified Resolution Re: Assessment Calendar

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE BUFFALO COMMON COUNCIL**

Item 84 – (COMM. 7M-3) Certified Resolution Re: Support for Re-Instating the Erie County Community Prosecution Unit

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM STATE SENATOR MARY LOU RATH**

Item 85 – (COMM. 7M-4) Receipt of Certified Resolution

Received and filed.

**FROM THE BUFFALO COMMON COUNCIL**

Item 86 – (COMM. 7M-5) Certified Resolution Re: Supporting Buffalo's Small Business in the Film Industry

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU**

Item 87 – (COMM. 7M-6) 2006 Bed Tax Overage

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

Item 88 – (COMM. 7M-7) Receipt of Certified Resolution

Received and filed.

FROM THE SARDINIA TOWN BOARD

Item 89 – (COMM. 7M-8) Support for Ice Skating/Roller Rink Located in Sprague Brook Park

Received and filed.

FROM THE CHEEKTOWAGA TOWN BOARD

Item 90 – (COMM. 7M-9) Certified Resolution Re: Oppose Change in Assessment Date

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NEW YORK STATE ASSOCIATION OF COUNTIES

Item 91 – (COMM. 7M-10) Comptroller Opinion on Election Chargebacks

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 92 – (COMM. 7M-11) Certified Resolution Re: Support for Expanding the Downtown ECC Campus

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HOLLAND TOWN BOARD

Item 93 – (COMM. 7M-12) Certified Resolution Re: Assessment Calendar

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

Item 94 – (COMM. 7M-13) Copy of Letter to Iannello Re: Presidential Search Committee

Received and filed.

FROM STATE SENATOR STACHOWSKI & ASSEMBLYMEMBER HOYT

Item 95 – (COMM. 7M-14) Sale of Tax Liens to Xpand

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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**ERIE COUNTY LEGISLATURE**

**FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY**

Item 96 – (COMM. 7M-15) Board Minutes for Meeting Held 2/26/07

Received and filed.

**FROM NYS SENATOR RATH**

Item 97 – (COMM. 7M-16) Receipt of Certified Resolution

Received and filed.

**FROM LEGAL AID BUREAU**

Item 98 – (COMM. 7M-17) Comm. 17E-9 - Request to Use Funding

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE ERIE COUNTY MEDICAL CENTER**

Item 99 – (COMM. 7M-18) Fact-Finding Report Between County of Erie and AFSCME,  
 Local 1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE ERIE COUNTY WATER AUTHORITY**

Item 100 – (COMM. 7M-19) 2006 Annual Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 101 – MS. WHYTE moved to reconsider the suspension of the rules for INTRO 7-11.  
 MR. MILLS seconded. MR. WEINSTEIN voted in the negative.

CARRIED. (14-1)

MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.  
 MR. WEINSTEIN opposed the suspension of the rules.

GRANTED. (14-1)

INTRO 7-10 from REYNOLDS Re: 2006 30-Day Open Period for Inclusion Into an  
 Agricultural District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 102 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Gayle Seitz.

Item 103 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Ellie Sullivan.

Item 104 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Ryan Anthony Starzynski.

Item 105 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Elaine M. Dillon.

Item 106 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Ann E. Klenk.

Item 107 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Mr. Cleever.

Item 108 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Marion Brown.

Item 109 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Abby MarKS.

Item 110 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Stephanie Gontar.

Item 111 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of his father.

### **ADJOURNMENT**

Item 112 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, April 19, 2007 at 2 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 19, 2007 at 2 p.m. Eastern Standard Time.

**ROBERT M. GRABER  
CLERK OF THE LEGISLATURE**