

MEETING NO. 2
January 17, 2002

ERIE COUNTY LEGISLATURE

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SPECIAL SESSION
MEETING NO. 2
January 17, 2002

The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Fisher.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Swanick.

Minutes of previous meetings were tabled.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 1 - MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

Re: Extension of Erie County's Additional 1% Sales Tax Authority Home Rule Requests – Consideration and Adoption at Special Meeting Requested. (Comm. 2E-1)

(A)

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

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

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

WHEREAS, Senate Bill No. S. 6040 and Assembly Bill No. A. 9577, now pending before

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the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-eight, two thousand three;

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

TO THE LEGISLATURE:

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

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

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

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

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

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

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

(B)

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

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

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

WHEREAS, Senate Bill No. S. 6040 and Assembly Bill No. A. 9577, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and

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compensating use tax through February twenty-eight, two thousand three;

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

TO THE LEGISLATURE:

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

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

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

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

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

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

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

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CHAIRMAN DeBENEDETTI directed that a roll call vote be taken.

AYES: DUSZA, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, SWANICK, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: DALE.

CARRIED. (WEIGHTED VOTE: 15.127 – .888)

FROM CHAIRMAN DeBENEDETTI

Item 2 – (Comm. 2E-2) Calling Special Meeting.

RECEIVED, FILED AND PRINTED.

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ERIE COUNTY LEGISLATURE

January 11, 2002

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

Dear Ms. Manzella:

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

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

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

Sincerely,

ALBERT DeBENEDETTI
 Chairman
 Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 3 – (Comm. 2D-1) Special Meeting Notice.

RECEIVED, FILED AND PRINTED.

January 11, 2002

To: All Erie County Legislators
 From: Laurie A. Manzella, Clerk of the Legislature

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ERIE COUNTY LEGISLATURE

Subject: **SPECIAL MEETING NOTICE**

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

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

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

Thank you.

ATTACHMENTS – 2

ADJOURNMENT

Item 4 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, January 24, 2002. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, January 24, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK