

**ERIE COUNTY LEGISLATURE
MEETING NO. 22
AUGUST 23, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – CHAIRMAN HOLT directed that the Rules of the Legislature for 2005 Remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – The Minutes of the Previous meeting were left on the table.

CARRIED UNANIMOUSLY.

Item 5 - No Public Hearings.

LEGISLATOR RESOLUTIONS

Item 6 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

RE: Designation of Authorized Tourism
Promotion Agency for Erie County for 2005-
2006 (INTRO 22-1)

**A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT, MARINELLI, RANZENHOFER, SMITH, CUSACK,
WROBLEWSKI, DeBENEDETTI, DUSZA, KUWIK, McCARVILLE, WEINSTEIN, CHASE,
MARSHALL, KENNEDY, AND SWANICK**

WHEREAS, the promotion, development, and expansion of the tourist travel, report, and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's economy, increases employment opportunities, and promotes the general welfare of county residents, and

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WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act, and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs, and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Buffalo Niagara Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2005-2006, and be it further

RESOLVED, that this Honorable Body does hereby request that the Buffalo Niagara Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the New York State Tourism Protection Act, and be it further

RESOLVED, that officials of the Convention and Visitors Bureau are hereby requested to appear at a future meeting of the Legislature's Community Services Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York, and be it further

RESOLVED, that certified copies of this resolution be sent to Charles Gargano, Commissioner of the New York State Department of Economic Development (30 South Pearl Street, Albany, NY 12245), to Richard Geiger and David Lacki of the Buffalo-Niagara Convention and Visitors Bureau (617 Main Street, Suite 200, Buffalo, New York 14203-1496), State Assembly Tourism, Arts, and Sports Development Committee Chairman Joseph D. Morelle, State Senate Tourism, Recreation and Sports Development Committee Chairman George D. Maziarz, and to Erie County Executive Joel Giambra.

MS. MARINELLI moved for the approval of the item. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 7 – (Comm. 22E-1) Appointment to Charter Revision Commission

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ERIE COUNTY LEGISLATURE

Received, Filed and Printed.

August 4, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint John Maggiore, of 309 North Street, #22, Buffalo, New York 14201, as my representative to the Charter Revision Commission of Erie County.

Sincerely,

JAMES M HARTMAN
Comptroller

c: John Maggiore

FROM THE DISTRICT ATTORNEY

Item 8 – (Comm. 22E-2) Appointment to Charter Revision Commission

Received, Filed, and Printed.

August, 9, 2005

Kevin M. Kelley
Clerk of the Legislature
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Charter Revision Commission

Dear Mr. Kelley:

On behalf of Erie County District Attorney Frank Clark, please be advised that our office hereby appoints the following individual to the Charter Revision Commission:

Michael J. Flaherty, Jr., Esq.
329 Elmwood Avenue

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Buffalo, NY 14222

Phone: 855-3500

If there is anything further needed, please feel free to call me at 858-2464.

Very truly yours,

FRANK J. CLARK
 DISTRICT ATTORNEY

BY: JOHN J. DeFRANKS
 First Deputy District Attorney

JJD/do

Cc: Michael J. Flaherty, Jr. Esq.

Item 9 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: Restoration of Vacant Positions (Comm. 22E-3)

WHEREAS, on June 14, 2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, an adequate staff level must be maintained in the District Attorney's Office in order to successfully prosecute the high volume of cases within Erie County, and

WHEREAS, the Erie County Legislature approved the District Attorney's personnel budget for 2005 for both the general and grant funds,

NOW, THEREFORE, BE IT

RESOLVED, that the following positions which were deleted from the budget of the District Attorney's Office as a result of Intro 15-9 are hereby restored to the budget of the Erie County District Attorney:

Position # 408	Assistant District Attorney II
Position # 419	Assistant District Attorney II
Position # 467	Assistant District Attorney V
Position # 469	Assistant District Attorney V
Position # 10222	Target Crime Initiative Coordinator

And be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, Erie County Executive, Erie County Comptroller, Director of Budget, Management and Finance, and the Department of Personnel.

MS. MARINELLI moved for approval of the item. MR. DeBENEDETTI seconded. Legislators Ranzenhofer and Wroblewski voted in the negative.

CARRIED.

FROM CHAIRMAN HOLT

Item 10 – (Comm. 22E-4) Calling Special Session on 8/23/05

Received, Filed, and Printed.

August 19, 2005

Kevin M. Kelley, Clerk
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

Dear Mr. Kelley:

This session will entail action concerning the following items.

- Designation of Authorized Tourism Promotion Agency for Erie County 2005-06
- Monitoring report Erie County Golf Courses July 2005
- Comptroller appointment Charter Revision Commission
- District Attorney appointment Charter Revision Commission
- Restoration positions District Attorney's office
- Accept Grant Funding Quaker Street Bridge
- Diesel School Bus Education Initiative
- Legislator Ranzenhofer appointment Charter Revision Commission
- Budgetary adjustments Department of Health...Department Public Works
- Transmittal new claims against Erie County
- Transmittal new claims against Erie County
- Certified copy Local Law No. 8-2005
- Certified copy Local Law No. 9-2005
- Buffalo and Erie County Public Library Board of Trustees Agenda
- Appointment to Erie County Industrial Development Agency
- New York State list of certified 2005 equalization rates
- NFTA Board Minutes
- New York State list of certified 2005 equalization rates

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- Erie Community College monthly meeting notice
- New York State list of certified 2005 equalization rates

Please notify legislators, the administration and the public of this meeting. Thank you for your assistance.

Sincerely,

GEORGE A. HOLT, JR.
 Chairman
 Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 11 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: Quaker St. Bridge (BR 498-1) - Town of Collins - Great Lakes Commission Funding - Federal Emergency Management Agency - Request to Accept Additional Project Money (Comm. 22E-5)

WHEREAS, as Quaker Street Bridge, a 2004 declared Federal Emergency Management Agency (FEMA) project, was authorized and fund appropriation approved by this Honorable Body on November 18, 2004, Communication No. 25E-42 under project fund B.00136, 2004 FEMA: ROAD & BRIDGE FLOOD DAMAGE, and

WHEREAS, the Erie County Department of Public Works has been notified that the Great Lakes Commission (GLC) has awarded a grant to Erie County for stream bank stabilization at the Quaker Street Bridge over the North Branch of Clear Creek in addition to the 2004 FEMA project, and

WHEREAS, the amount of the grant is \$30,000.00 with a \$10,650.00 local match requirement.

NOW, THEREFORE, BE IT,

RESOLVED, that the 2004 FEMA total project budget B.00136 be increased by \$30,000.00 to reflect the grant revenue and the Quaker Street Bridge Project B.00136.300.10.3 approved by FEMA in the amount of \$137,500.00 be increased in revenue and appropriation in the amount of \$40,650.00, grant revenue and local match, for a total project allocation of \$178,150.00, and be it further,

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RESOLVED, that \$30,000.00 represents receivable revenue from the GLC to be accepted by Erie County, and \$10,650.00 local match be allocated from the 2004 FEMA project unallocated fund reserve B.00136.998, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and to the Office of the Comptroller.

MS. MARINELLI moved for the approval of the item. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR RANZENOFER

Item 13 – (Comm. 22E-7) Appointment to Charter Revision Commission

Received, Filed, and Printed.

August 17, 2005

Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

Under the terms of the local law establishing the Charter Revision Commission of Erie County, I hereby appoint the following individual as my representative to the Commission.

James L. Magavern
Magavern, Magavern, & Grimm, LLP
1100 Rand Building
14 Lafayette Square
Buffalo, New York 14203

Sincerely,

MICHAEL H. RANZENHOFER
Legislator – 4th District
Minority Leader

FROM THE COUNTY EXECUTIVE

Item 14 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: Health/DPW - Budgetary Adjustments
(Comm. 22E-8)

WHEREAS, on March 17, 2005, the Erie County Legislature approved Comm. 9E-8 which provided the funding necessary for the Erie County Department of Health to continue operations at its Primary Care clinics, and

WHEREAS, the resolution provided the department with the ability to continue operations through September 17, 2005, and

WHEREAS, the Department of Health desires to continue to provide these valuable public health services for the thousands of citizens of Erie County who utilize them, and

WHEREAS, in order to continue to provide these services at Jesse Nash Health Center and the Dr. Matt Gajewski Human Services Center positions in the Department of Health and the Department of Public Works and operating expenses must be continued for the remainder of the year, and

WHEREAS, this resolution will allow the continuation of operations for the remainder of FY2005, allowing the department to continue with the transition to a permanent plan, and

WHEREAS, these operations are partially funded through New York State aid, patient fees, and insurance payments,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the following budgetary adjustments in the 2005 Budget of the Department of Health in order to meet the requirements for continuing the operation of the Jesse Nash Health Center and the Dr. Matt Gajewski Human Services Center for the remainder of the year to be budgeted as follows:

Increase SAP Account 500000 Personal Services	\$ 99,530
Increase SAP Account 505000 Office Supplies	\$ 584
Increase SAP Account 505800 Medical Supplies	\$ 8,166
Increase SAP Account 506200 Maintenance & Repair	\$ 1,167
Increase SAP Account 516020 Professional Service Contracts & Fees	\$100,910
Increase SAP Account 530000 Other Expenses	\$ 6,999

and be it further

RESOLVED, that funding is hereby provided to continue funding of the following positions for the remainder of the year:

6 Regular Part Time positions of Registered Nurse, JG N2
2 Full Time positions of Clerk Typist, JG 1

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1 Regular Part Time position of Medical Record Administrator, JG 8
 2 Full Time positions of Dental Assistant, JG 3
 2 Full Time positions of Dental Hygienist, JG 5
 2 PH Nurse, JG N2
 1 Receptionist, JG 3
 1 Medical Office Assistant JG 4
 and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the following budgetary adjustments in the 2005 Budget of the Department of Public Works in order to meet the requirements for continuing the operation of the Jesse Nash Health Center and the Dr. Matt Gajewski Human Services Center for the remainder of the year:

Increase SAP Account 500000 Personal	\$ 35,727
Increase SAP Account 516020 Professional Services Contracts & Fees	\$ 36,456

and be it further

RESOLVED, that funding is hereby provided to continue funding of the following positions for the remainder of the year:

1 Full Time position of Head Laborer, JG 4
 1 Full Time position of Watch Attendant, JG 3
 2 Full Time positions of Laborer, JG 3
 2 Regular Part Time positions of Laborer, JG 3
 and be it further

RESOLVED, that the amount of \$211,291 shall be deducted from Account #516050, Departmental Payments to ECMCC, within the Health Division and be it further

RESOLVED, that State aid in the amount of \$78,248 is increased in the Department of Health, and be it further

RESOLVED, that the Division of Budget, Management and Finance adjust the various accounts as needed to reflect the restorations listed above, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Department of Public Works, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved for the approval of the item. MR. DeBENEDETTI seconded. Legislators Cusack, Marshall, McCarville, Ranzenhofer, and Weinstein voted in the negative.

CARRIED.

COMMUNICATIONS FROM THE DEPARTMENTS

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FROM THE COUNTY ATTORNEY

Item 15 – (Comm. 22D-1) Transmittal of New Claims Against Erie County

Received and filed.

Item 16 – (Comm. 22D-2) LL No. 8-2005 - Certified Copy

August 17, 2005

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: LOCAL LAW No. 8-2005

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: GREGORY DUDEK
Assistant County Attorney

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Erie
~~Town~~
~~Village~~

Local Law No. 8 of the year 20.05.

A local law prohibiting the possession and/or use of "photo phones"
(Insert Title)
in private areas

Be It enacted by the Legislature of the

County
~~City~~ of Erie as follows:
~~Town~~
~~Village~~

SECTION 1. Short title.

This Local Law shall be known as the "Prohibiting the Possession and/or Use of "photo phones" in Private Areas.

SECTION 2. Legislative Findings.

The Legislature of Erie County hereby finds that recent events have focused residents of Erie County on how easy "photo phone" users can take pictures or images of others without the subjects' knowledge. This is especially disconcerting in the context of places such as gyms and locker rooms, where many people expect and deserve a certain degree of privacy. Because it is easy for "photo phone" users to take pictures while appearing to talk on the phone, there exists the potential that photos will be taken of persons in potentially compromising or embarrassing positions and in places that they would not normally expect such pictures to be taken. This law would ban the use of "photo phones" where the subject(s) does not know that they are the subject of the photo from all areas where there exists an expectation of privacy and punish those who violate the law.

SECTION 3. Definitions and Word Usage

A) The term "photo phone" shall mean any device or connected electronic or mechanical system that acts as both an imaging device and a transmission device, regardless of size or shape.

B) The term "private area" shall mean any area where persons would normally expect a certain modicum of privacy, even in the presence of other persons, or would normally expect to be in various stages of undress, including, but not limited to, lockers room, gyms, weight rooms, indoor saunas, indoor swimming pools, indoor hot tubs, and similar indoor places.

C) The term "imaging device" shall mean any mechanical, digital or electronic viewing device, camera or any other instrument capable of recording, storing or transmitting visual images that can be utilized to observe a person.

D) The term "transmission device" shall mean any wired or wireless mechanical,

(If additional space is needed, attach pages the same size as this sheet, and number each.)

digital or electronic device, camera or any other instrument capable of giving, providing, delivering, mailing, sending, forwarding, transferring or transmitting a visual image created by an imaging device, electronically or otherwise, to another person.

SECTION 4. Application.

A person is guilty of unlawful use of a photo phone when he or she uses a photo phone in a private area as either an imaging device or as a transmission device without the consent of the person or persons in the photo.

SECTION 5. Penalties for Offenses

a) A first offense for failure to comply with the provisions of Section 3 of this Chapter shall constitute a violation and shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. Each offense shall constitute a separate and distinct violation for each day the offense is continued.

b) A failure to comply with the provisions of Section 3 of this Chapter for a person who has been previously convicted of violating this Chapter shall constitute a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a period not exceeding one (1) year or by both such fine and imprisonment. Each use of a photo phone, whether as an imaging device or as a transmission device, shall constitute a separate and distinct misdemeanor hereunder.

SECTION 6. Exceptions.

This Local Law shall not apply to a) law enforcement personnel engaged in their authorized duties; b) premises surveillance systems, provided that persons in the private area are notified by a sign at least two feet by three feet at all entrances to such private area that such surveillance system exists in the private area; and c) premises surveillance systems, provided that they are installed in such a manner that their presence is clearly and immediately obvious to persons in the private area.

SECTION 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its

(1-a)

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

SECTION 8. Effective Date.

This local law shall become effective immediately upon filing in the Office of the New York State Secretary of State pursuant to section 27 of the municipal home

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ Erie _____ was duly passed by the Erie County Legislature on July 7, 20 05, and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive _____ and was deemed duly adopted on August 1, 2005, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

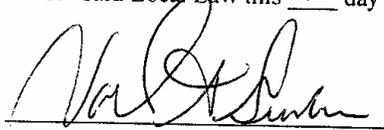
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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A Public Hearing was held on the foregoing Local Law Intro. No. 18-2004 on Friday, July 22, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 1 day of ~~July~~ ^{August}, 2005.



Handwritten signature of Joel A. Giambra, County Executive of Erie County, written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 18-2004 on Friday, July 22, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ___ day of July, 2005.

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Item 17 – (Comm. 22D-3) LL No. 9-2005

Received, Filed, and Printed.

August 17, 2005

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: LOCAL LAW No. 9-2005

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: GREGORY DUDEK
Assistant County Attorney

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Erie
~~Town~~
~~Village~~

Local Law No. 9 of the year 2005.

A local law known as the Erie County MBE/WBE Utilization Commitment Act
(Insert Title)

Be it enacted by the Legislature of the

County
~~City~~ of Erie
~~Town~~
~~Village~~ as follows:

Section 1. Short Title. This local law shall be known as the Erie County MBE/WBE Utilization Commitment Act.

Section 2. Legislative Intent. As a direct result of Local Law #1, of 1987 the County of Erie has significantly increased its utilization of businesses owned by minority group members and women, and especially locally owned and operated businesses, on construction contracts and has thereby significantly enhanced the opportunities and entrepreneurial skills of minority group members and women in Erie County. The growth and development of such businesses have a substantial positive impact on the economic health of the County. The County's utilization of minority and women-owned professional, technical and other consultant services, such as in the areas of law, finance, information technology, accounting and engineering, outside of construction projects, has not achieved the same level of success, notwithstanding the increased growth of minority and women owned business and firms in these areas and professions.

Section 3. Definitions: For the purposes of this local law, the following terms shall have the following meanings:

A. Minority-Owned Business Enterprise (MBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by minority group members or, in the case of a publicly-owned business, at least fifty-one percent (51%) of all stock is owned by minority group members, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie. For the purposes of this paragraph, minority group members are citizens of the United States who are African American, Hispanic, Asian-American and Native American (American-Indian).

B. Women-Owned Business Enterprise (WBE) shall mean a business which performs a commercially useful function, at least fifty-one percent (51%) of which is owned by a woman or women or, in the case of publicly-owned business, at least fifty-one percent (51%) of all stock is owned by a woman or women, with such ownership certified by the Erie County Office of Equal Employment Opportunity and who is doing business and maintains an office in the County of Erie.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

C. Department shall mean every County Department, Agency or Administrative Unit, including but not limited to the County Executive, the Legislature, Sheriff's Department, Comptroller's Office, County Clerk's Office and District Attorney's Office.

Section 4. Minority And Women-Owned Business Enterprise Utilization Commitment

(A) Every Department shall annually prepare and implement a written plan for the utilization of bona-fide minority and women owned businesses on County contracts let by or on behalf of such Department for professional, technical, or other consultant services. The plan must include a goal of awarding to MBE's, directly or through subcontracts, in each fiscal year, at least fifteen percent (15%) of the total value of all contracts intended to be let by the Department and a goal of awarding to WBE's at least five percent (5%) of the total value of all contracts intended to be let by the Department. The plan shall be submitted to the Erie County Division of Equal Employment Opportunity for review and approval by September 15th, preceding the calendar year covered by such plan.

(B) If the Department determines that the goals set forth in Section 4 (A) cannot be met, the Department's annual plan must include a justification why the policy goals are unobtainable. The written justification must include the Department's reasonable good faith efforts to meet the utilization goals and which may include the utilization of minority and women professionals in non-minority and non-women owned businesses.

(C) The County Executive must submit a summary of each Department's plan pursuant to this local law to the Legislature simultaneously with the annual proposed Budget. The plans are not to be considered as a part of the proposed budget.

Section 5. Reporting

A. Every Department shall prepare and submit an initial plan by September 15, 2005 that will cover the period January 1, 2006 to December 31, 2006. Annual plans, including the initial plans, will be modified as appropriate to reflect the Department's final adopted budget for the applicable year and subsequent modifications to the Department's budget during the applicable year.

B. On or before the 30th day of April, and quarterly thereafter, each Department head shall prepare a status report in such standard form as shall be periodically established by the Division of Equal Employment Opportunity, on the implementation and results of its utilization of minority owned business and women owned businesses during the three-month period ending one month before the due date of the report. Each report shall be submitted to the Division of Equal Employment Opportunity. Failure by any Department to submit any reports required by this section shall be grounds for discipline by the County Executive, except that for those Departments whose head are elected, the legislature shall determine the appropriate remedy for non-compliance with of the provisions of this law.

(1-a)

C. As evidence of a Department's good faith efforts to attain the goals set forth in its annual policy, a Department seeking approval by the Legislature of a matter which may involve the utilization by the County of professional, technical or other consultant services, must attach to each such request, a copy of its current status report on its policy goals.

D. The Division of Equal Employment Opportunity shall: (1) monitor the achievement of the annual goals established by each Department and (2) prepare a quarterly report on each Department's goal achievement, including each Department's good faith efforts to each those goals. The report shall be submitted to each Department that submitted a report, the County Executive, the Department and the Legislature.

E. Reasonable efforts shall include, but not limited to:

1. Utilizing a source list of MBEs and WBEs;
2. Solicitation of bids, RFQS and RFPs from WBEs and MBEs
3. Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations;
4. Maintaining records showing utilization of MBEs and/or WBEs, as well as the specific efforts to identify and utilize these companies;
5. Causing its prime contractors to enter into sub-contracts with MBE/WBE firms, if appropriate and feasible, to effectuate the policy goal set forth herein;
6. Building the capacity of local and regional MBE and/or WBE firms to provide quality technical and professional services.

F. The Division of Equal Employment Opportunity shall prepare an annual report to the County Executive and the Legislature on the compliance of Departments with the requirement of this law.

Section 6. Applicability to contractual agreements for professional, technical or other consultant services. Notwithstanding any other application, this local law shall apply to any and all contractual agreements for professional, technical or other consultant services made in accordance with Section 19.08 of the Erie County Administrative Code. Waiver of Section 19.08, in accordance with the Erie County Legislature's authority to make a finding of necessity that the special service or skill must be provided immediately, or a determination that the procedure is impracticable, shall not constitute waiver or inapplicability of the provisions of this local law.

Section 7. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(1-b)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2005 of the (County)(City)(Town)(Village) of Erie Erie County Legislature was duly passed by the Erie County Legislature on July 14 20 05, and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive and was deemed duly adopted on August 1 2005, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Kevin M. Kelley
Clerk of the County legislative body, Erie County, New York

Date: 8-10-05

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Assistant County Attorney
Title

County _____
~~City~~ of Erie
~~Town~~
~~Village~~

Date: August 17, 2005

MEETING NO. 22
AUGUST 23, 2005

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 8-2005 on Wednesday, July 27, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 1 day ~~of~~ of August, 2005.



A Public Hearing was held on the foregoing Local Law Intro. No. 8-2005 on Wednesday, July 27, 2005, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ___ day of _____, 2005.

MEETING NO. 22
AUGUST 23, 2005

ERIE COUNTY LEGISLATURE

FROM THE BECPL

Item 18 – (Comm. 22D-4) Proposed Agenda for Meeting Held 7/21/05

Received and filed.

FROM THE COUNTY ATTORNEY

Item 19 – (Comm. 22D-5) Transmittal of New Claims Against Erie County

Received and filed.

FROM PARKS, RECREATION & FORESTRY

Item 20 – (Comm. 22D-6) Erie County Golf Courses Monitoring Report - July 2005

Received and filed.

FROM THE COMMUNITY COLLEGE

Item 21 – (Comm. 22D-7) Notice of Board of Trustees Meeting to be Held 8/24/05

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 22 – (Comm. 22D-8) Special Meeting Notice

Received, Filed, and Printed.

To: All Erie County Legislators
 From: Kevin Kelley, Clerk of the Legislature
 Date: August, 19, 2005
 Subject: **SPECIAL MEETING OF THE LEGISLATURE**

PLEASE TAKE NOTICE Pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature and under the director of Chairman George A. Holt, Jr., there will be a Special Meeting of the Erie County Legislature on TUESDAY, AUGUST 23, 2005, at 11 O’CLOCK in the morning of that day in the Erie County Legislature Chambers on the 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This session will entail action concerning the following items.

- Designation of Authorized Tourism Promotion Agency for Erie County 2005-06
- Monitoring report Erie County Golf Courses July 2005
- Comptroller appointment Charter Revision Commission
- District Attorney appointment Charter Revision Commission
- Restoration positions District Attorney's office
- Accept Grant Funding Quaker Street Bridge
- Diesel School Bus Education Initiative
- Legislator Ranzenhofer appointment Charter Revision Commission
- Budgetary adjustments Department of Health...Department Public Works
- Transmittal new claims against Erie County
- Transmittal new claims against Erie County
- Certified copy Local Law No. 8-2005
- Certified copy Local Law No. 9-2005
- Buffalo and Erie County Public Library Board of Trustees Agenda
- Appointment to Erie County Industrial Development Agency
- New York State list of certified 2005 equalization rates
- NFTA Board Minutes
- New York State list of certified 2005 equalization rates
- Erie Community College monthly meeting notice
- New York State list of certified 2005 equalization rates

Thank you.

ATTACHMENT – Chairman Holt’s Letter

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

NYS BOARD OF REAL PROPERTY SERVICES

Item 23 – (Comm. 22M-1) List of Certified 2005 State Equalization Rates

Received and filed.

NYS DEPARTMENT OF STATE

Item 24 – (Comm. 22M-2) Receipt of Appointment to ECIDA

Received, Filed, and Printed.

MEETING NO. 22
AUGUST 23, 2005

ERIE COUNTY LEGISLATURE

RFP

RECEIVED
ERIE COUNTY LEGISLATURE
CERTIFICATE OF APPOINTMENT
OF MEMBER OF ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
2005 JUL 22 P 12:13

To the Honorable Secretary of the State of New York:

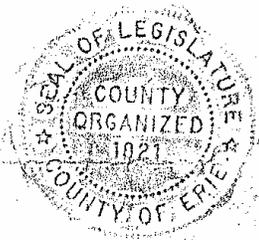
Pursuant to Section 856, Subdivision 2 of the General Municipal Law, the undersigned hereby certifies that the following person has been appointed and is currently serving as a Member of the Erie County Industrial Development Agency:

Richard D'Arcy
208 Ransom Road
Lancaster, New York 14086

Effective: July 11, 2005

THE COUNTY LEGISLATURE OF
THE COUNTY OF ERIE

By Kevin M. Kelley
Kevin M. Kelley, Clerk



STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 14 2005
MISCELLANEOUS
& STATE RECORDS

22M-2

NYS BOARD OF REAL PROPERTY SERVICES

Item 25 – (Comm. 22M-3) List of Certified 2005 State Equalization Rates

Received and filed.

FROM THE NFTA

Item 26 – (Comm. 22M-4) NFTA Board Minutes From Meeting Held 6/27/05

Received and filed.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 27 – (Comm. 22M-5) List of Certified 2005 State Equalization Rates

Received and filed.

MEMORIAL RESOLUTIONS

Item 28 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Patricia Rehat.

Item 29 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of Jay Flemming

Item 30 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of Dexter McDuffy.

Item 31 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Robert Manenda.

Item 32 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Stan “Stash” Jasinski.

Item 33 – Legislator Dusza requested that when the Legislature adjourns, it do so in memory of Mrs. Clark

Item 34 – Legislator Kuwik requested that when the Legislature adjourns, it do so in memory of Carol Coturino.

Item 35 – Legislator DeBenedetti requested that when the Legislature adjourns, it do so in memory of Ronald Raskin.

Item 36 – Legislator Cusack requested that when the Legislature adjourns, it do so in memory of Elanore Batt.

MEETING NO. 22
AUGUST 23, 2005

ERIE COUNTY LEGISLATURE

Item 37 – Legislator Chase requested that when the Legislature adjourns, it do so in memory of Ken Golden.

Item 38 – Legislator McCarville requested that when the Legislature adjourns, it do so in memory of Anna Wirthling.

Item 39 – Legislator Brill requested that when the Legislature adjourns, it do so in memory of Maria Brill.

ADJOURNMENT

Item 40 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday, September 15, 2005 at 2 p.m. Eastern Standard Time. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday September 15, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK