

**ERIE COUNTY LEGISLATURE
MEETING NO. 1
JANUARY 8, 2015**

The Legislature was called to order by Erie County Clerk Christopher L. Jacobs, Acting Clerk of the Legislature.

The Roll being duly called by Christopher L. Jacobs, the following Legislators answered, to wit:

1st District
Barbara Miller-Williams

2nd District
Betty Jean Grant

3rd District
Peter J. Savage III

4th District
Kevin R. Hardwick

5th District
Thomas A. Loughran

6th District
Edward A. Rath III

7th District
Patrick B. Burke

8th District
Ted B. Morton

9th District
Lynne M. Dixon

10th District
Joseph C. Lorigo

11th District
John J. Mills

An Invocation was held, led by Mr. Mills, who introduced Ronald P. Bennett to offer a prayer.

The Pledge of Allegiance was led by Ms. Grant.

Item 1 – MR. JACOBS called for nominations and the election of Chair of the Erie County Legislature for 2015.

MR. LORIGO placed in nomination for Chair of the Erie County Legislature for 2015 JOHN J. MILLS. MS. GRANT seconded.

We, the undersigned, representing a majority of the members of the Erie County Legislature do hereby nominate John J. Mills as Chair of the Erie County Legislature for 2015.

Barbara Miller-Williams – 1st District

Betty Jean Grant – 2nd District

Peter J. Savage III – 3rd District

Kevin R. Hardwick – 4th District

Thomas A. Loughran – 5th District

Edward A. Rath III – 6th District

Patrick B. Burke – 7th District

Ted B. Morton – 8th District

Lynne M. Dixon – 9th District

Joseph C. Lorigo – 10th District

John J. Mills – 11th District

MR. JACOBS asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2015.

MR. LORIGO moved to close nominations. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. JACOBS moved the question of the election of John J. Mills as Chair of the Erie County Legislature for 2015, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

MR. MILLS, having received the required number of votes cast was declared duly elected CHAIR OF THE ERIE COUNTY LEGISLATURE for 2015.

Item 2 – CHAIR MILLS called for nominations and the election of Clerk of the Erie County Legislature for 2015.

MR. LORIGO placed in nomination for Clerk of the Erie County Legislature for 2015 KAREN M. McCARTHY. MS. DIXON seconded.

We, the undersigned, representing a majority of the members of the Erie County Legislature do hereby nominate Karen M. McCarthy as Clerk of the Erie County Legislature for 2015.

Barbara Miller-Williams – 1st District

Betty Jean Grant – 2nd District

Peter J. Savage III – 3rd District

Kevin R. Hardwick – 4th District

Thomas A. Loughran – 5th District

Edward A. Rath III – 6th District

Patrick B. Burke – 7th District

Ted B. Morton – 8th District

Lynne M. Dixon – 9th District

Joseph C. Lorigo – 10th District

John J. Mills – 11th District

CHAIR MILLS asked if there were any other nominations for the Office of Clerk of the Erie County Legislature for 2015.

MR. LORIGO moved to close nominations. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS moved the question of the election of Karen M. McCarthy as Clerk of the Erie County Legislature for 2015, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

MS. McCARTHY, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for 2015.

Item 3 – CHAIR MILLS called for the designation of Majority Leader of the Erie County Legislature for 2015.

MR. HARDWICK presented a petition designating JOSEPH C. LORIGO as Majority Leader of the Erie County Legislature for 2015.

CHAIR MILLS directed that the petition be received, filed and printed.

GRANTED.

We, the undersigned, representing a majority of the Majority Caucus of the Erie County Legislature do hereby designate Joseph C. Lorigo as Majority Leader of the Erie County Legislature for 2015.

Kevin R. Hardwick – 4th District

Edward A. Rath III – 6th District

Ted B. Morton – 8th District

Lynne M. Dixon – 9th District

Joseph C. Lorigo – 10th District

John J. Mills – 11th District

Item 4 – CHAIR MILLS called for the designation of Minority Leader of the Erie County Legislature for 2015.

MR. LOUGHRAN presented a petition designating BETTY JEAN GRANT as Minority Leader of the Erie County Legislature for 2015.

CHAIR MILLS directed that the petition be received, filed and printed.

GRANTED.

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature do hereby designate Betty Jean Grant as Minority Leader of the Erie County Legislature for 2015.

Barbara Miller-Williams – 1st District

Betty Jean Grant – 2nd District

Peter J. Savage III – 3rd District

Thomas A. Loughran – 5th District

Patrick B. Burke – 7th District

Item 5 – MR. LORIGO moved for consideration of the Rules of the Legislature for 2015. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: Adopting Erie County Legislature's Rules of the Legislature for 2015

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature's Rules of the Legislature for 2015 as follows:

2015
RULES OF ORDER
ERIE COUNTY LEGISLATURE

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;

4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
8. To order that a public hearing be held. Public hearings prior to consideration of a local law shall be conducted a minimum of five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
13. To cancel public hearings for which the underlying local law has been withdrawn;
14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two caucuses which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. A caucus shall be defined as a group of members or adherents of the same political party. The leader of the caucus

whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other caucus shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one caucus nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one caucus leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIR:

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by Email, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday.

Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions. Each legislator shall be entitled to four (4) annual presentations including citizen of the month, with no regular session having more than two (2) presentations. Selection of presentation shall be determined by the order in which requests are filed with the Clerk of the Legislature;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;

9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a

determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct

possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;

2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communication of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., three (3) business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

In the event that three business days before session is a recognized holiday or a recognized holiday occurs within three business days before a regular meeting date, the appropriate clock-in day will be the first business day of the week in which the regular meeting date is held.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION

- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of five members each (including a Chair, Vice-Chair and three members), except the Finance & Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five members) for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair of the Legislature within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health & Human Services
Minority & Women Business Enterprise
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall submit the tentative budget, with such amendments or changes therein as the committee may determine, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2608 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2608 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County

Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the

Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 OPEN ITEMS IN COMMITTEE RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

Any item on a committee agenda, including but not limited to Local Laws, Resolutions, communications from the departments, and communications from other officials will be removed from the agenda one (1) calendar year from the date of their introduction.

The Chair of the Committee may, on his or her motion, keep an expired item on the table for an additional calendar year. The motion to leave an item on the table is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of

microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.09(9) OATH OR AFFIRMATION:

The Chair of the Legislature, or committee, has the power to request anyone speaking in front of the Legislature take an oath affirming the truthfulness of the information being presented on the floor. This applies to any situation where the Legislature will be using the facts presented in making a decision. The discretion to use this power is within the control of the Chairperson of the Legislature or committee, depending on the body being presented with the information.

The Chair in charge of the meeting will ask the speaker, "Do you swear that what you are about to present is, to the best of your knowledge, both true and correct?" Speaker must answer in the affirmative or leave the floor until such a time as they are able to make the oath in the affirmative. If the speaker is unable to answer in the affirmative, a vote of the majority of the committee or the Legislature as a whole shall be taken as to whether to allow him or her access to the floor.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

MR. LORIGO moved for approval of the Rules of the Legislature for 2015. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 6 – CHAIR MILLS directed that the Designation of Newspapers be Received, filed and printed.

GRANTED.

We, the undersigned, representing a majority of the Majority Caucus of the Erie County Legislature do hereby designate the Grand Island Dispatch, published in Grand Island, New York, having general circulation in the County of Erie, as the official newspaper for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the County of Erie effective January 1, 2015.

Kevin R. Hardwick – 4th District

Edward A. Rath III – 6th District

Ted B. Morton – 8th District

Lynne M. Dixon – 9th District

Joseph C. Lorigo – 10th District

John J. Mills – 11th District

We, the undersigned, representing a majority of the Majority Caucus of the Erie County Legislature do hereby designate the Amherst Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices, and other matters required by law to be published for the County of Erie effective January 1, 2015.

Kevin R. Hardwick – 4th District

Edward A. Rath III – 6th District

Ted B. Morton – 8th District

Lynne M. Dixon – 9th District

Joseph C. Lorigo – 10th District

John J. Mills – 11th District

We, the undersigned, a Minority Caucus of the Erie County Legislature, do hereby designate the Buffalo Challenger Newspaper, published in Buffalo, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2015.

Barbara Miller-Williams – 1st District

Betty Jean Grant – 2nd District

Peter J. Savage III – 3rd District

Thomas A. Loughran – 5th District

Patrick B. Burke – 7th District

We, the undersigned, a Minority Caucus of the Erie County Legislature, do hereby designate the North Buffalo Rocket Newspaper, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2015.

Barbara Miller-Williams – 1st District

Betty Jean Grant – 2nd District

Peter J. Savage III – 3rd District

Thomas A. Loughran – 5th District

Patrick B. Burke – 7th District

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – MR. LORIGO moved for the approval of the minutes for Meeting Number 26 from 2014. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 10 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 11 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Honoring the Life of Frank L. Ciminelli.

Item 12 – MS. GRANT presented a resolution Honoring the Life of Leon Hare.

Item 13 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Lance Diamond.

Item 14 – MS. MILLER-WILLIAMS presented a resolution Recognizing New Hope Baptist Church on Hosting Their 25th Annual Dr. Martin Luther King Jr Scholarship Breakfast, and Honoring Keynote Speaker Nicole C. Lee.

Item 15 – MR. MORTON presented a resolution Congratulating Tri-Community Pantry on its New Location.

MR. LORIGO moved for consideration of the above five items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above five items by adding one miscellaneous resolution for MS. DIXON and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above six items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2014 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2014 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 9 (Print #1) 2014 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 22 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: Inclusion of Viable Agricultural Lands

Into an Agricultural District - 2014
(INTRO 1-1)

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

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2014 thirty-day open enrollment period three landowners requested that three parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature adopt the inclusion of three parcels listed below in an existing agricultural district; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for November 5, 2014; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 6:00 p.m. on November 5, 2014 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2014 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, a summary of the comments received during the public hearing and received in writing are attached to this resolution; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into an adjacent existing agricultural district; and be it further

PARCEL	ACRES	PARCEL ADDRESS	TOWN	LANDOWNER	DISTRICT
241.00-3-48.111	33.7	Deer Run Road	Boston	Lenny Ciolek	Eden 2
156.00-2-54	19.5	120 Hemstreet Road	Elma	Scott Meyers	Elma 13
108.00-1-22.12	89.23	12551 North Road	Alden	Justin Pautler	Alden-Newstead 1

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the Towns of Boston, Elma, and Alden; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 23 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Recertification and Requested
Modifications of Lancaster Alden
Agricultural District 16
(INTRO 1-2)

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

WHEREAS, Lancaster Alden Agricultural District 16 (the “district”) was initially created on April 28, 1983 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, Lancaster Alden Agricultural District 16 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a (2) the Erie County Legislature gave the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for November 5, 2014; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (c) on November 5, 2014 at 6:00 pm a public hearing was held at Erie County Cornell Cooperative Extension at 21 South Grove Street, East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on October 23, 2014 to recommend that the district be continued with the requested modifications; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Lancaster Alden Agricultural District 16 should be continued with the requested modifications as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Lancaster and Alden Town Supervisors; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

Item 24 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

RE: Recertification of Amherst Agricultural
District 17
(INTRO 1-3)

A RESOLUTION TO BE SUBMITTED

BY LEGISLATOR MILLS

WHEREAS, Amherst Agricultural District 17 (the “district”) was initially created on April 28, 1983 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, Amherst Agricultural District 17 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a (1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a (2) the Erie County Legislature gave the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for November 5, 2014; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (c) on November 5, 2014 at 6:00 pm a public hearing was held at Erie County Cornell Cooperative Extension at 21 South Grove Street, East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on October 23, 2014 to recommend that the district be continued without modification; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Amherst Agricultural District 17 should be continued without modification as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Amherst Town Supervisor; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

Item 25 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

MS. GRANT moved that the legislature recess for 15 minutes. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

MR. BURKE moved that the item be sent to committee for further discussion. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN and MS. MILLER-WILLIAMS. NOES: MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. (AYES: 4; NOES: 7)

FAILED.

MR. LOUGHRAN moved that the item be tabled. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT and MR. LOUGHRAN. NOES: MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. (AYES: 3; NOES: 8)

FAILED.

CHAIR MILLS moved the question and directed that a roll call vote be taken.

AYES: MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE and MS. GRANT. (AYES: 9; NOES: 2)

CARRIED.

RESOLUTION NO. 5

RE: Appointment to the ECMCC Board of
Directors
(INTRO 1-4)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS

MILLS, RATH, LORIGO, MORTON, DIXON & HARDWICK

WHEREAS, Public Authorities Law Section 3628(1)(b) provides for an appointment to the Board of Directors of the Erie County Medical Center Corporation by the Governor from a recommendation submitted by the Legislature of the County of Erie; and

WHEREAS, the term of Frank Messiah as a director of the Erie County Medical Center Corporation expired on the 4th day of June, 2013; and

WHEREAS, the Erie County Legislature has determined to fill the position on the Board of Directors of the Erie County Medical Center Corporation.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby recommend to the Governor the appointment of Jonathan Andrew Dandes, residing at 4 Meadow Spring Lane, East Amherst, New York 14051, as a director of the Erie County Medical Center Corporation as authorized by Public Authorities Law Section 3628(1)(b); and, be it further

RESOLVED, that a certified copy of this Resolution shall be submitted by the Clerk of the Erie County Legislature to the Office of General Services, Center for Recruitment and Public Service, Appointments Office, 40th Floor, Albany, New York 12242.

Item 26 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Opposition to Passage of an Unbalanced
2015 New York State Thruway Budget
(INTRO 1-5)

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS LORIGO & RATH**

WHEREAS, the New York State Thruway Authority, on December 19, 2014, passed a new budget with a \$36 million deficit for the 2015 fiscal year, a pattern that is likely to continue for years to come; and

WHEREAS, no financial plan has been proposed to cover this short fall and likely will be filled by toll hikes not just in 2015 but for the foreseeable future; and

WHEREAS, much of this deficit is related to the construction of a new Tappan Zee bridge replacement project which is valued at \$3.9 Billion and is not, as of yet, fully funded; and

WHEREAS, without a published plan to pay for the new construction on the other side of the state, and a current budget deficit, this honorable body can only assume that the cost will be

absorbed by hikes in the NYS Thruway toll system's fees, which this body has already opposed this year; and

WHEREAS, NYS does not need any increased taxes, we are already among the highest taxing states in the nation, and increasing thruway tolls will only serve to further reinforce the anti-business climate here in our state; and

WHEREAS, this honorable body believes that the residents and visitors to the State of New York are cheated when a budget is passed and the plan to pay for said budget falls short by tens of millions of dollars.

NOW, THEREFORE, BE IT

RESOLVED, that by supporting this resolution, this honorable body hereby opposes any increases in state thruway taxes to pay for the budget deficit created by the construction of a bridge in downstate NY; and be it further

RESOLVED, that this honorable body hereby questions the choice to simply pass a budget containing such significant current and future deficits and liabilities and proposes that the Thruway Authority be bound by the requirement to pass a balanced budget in any given year; and be it further

RESOLVED, that this honorable body urges the Thruway Authority board and the Governor of New York to seriously consider how they plan to close the proposed budget's gap and not to burden the entire state with such a project by a toll increase; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Hon. Andrew Cuomo's office, the Board of Directors of the NYS Thruway Authority, and all other parties deemed necessary and proper.

MR. LORIGO moved to amend to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the item as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Extension of Brownfield Clean-Up Tax
Incentives Program
(INTRO 1-6)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS LORIGO & RATH

WHEREAS, the City of Buffalo and County of Erie have long been home to industrial operations, leading to a large amount of property throughout the County designated as contaminated brownfield sites; and

WHEREAS, brownfield sites often require expensive remediation processes that would otherwise prevent development and rehabilitation of polluted areas; and

WHEREAS, in the past several years the County has seen a resurgence in the redevelopment and reuse of once contaminated industrial properties; and

WHEREAS, this redevelopment has been substantially aided by tax credits offered to eligible developers who enter into a project requiring remediation of contaminated areas and the redevelopment of otherwise vacant property; and

WHEREAS, large developments often require an extensive planning and design stage, necessitating advanced knowledge as to whether or not the developer will be required to pay for the full cost of remediation; and

WHEREAS, without the tax incentives for remediating brownfield sites, much of the work put into rehabilitating the unused industrial centers of Erie County would not have begun; and

WHEREAS, the current timeline for tax incentives for brownfield remediation ended December 31, 2015, currently the state will no longer be offering the types of incentives that have proved to be exceptionally beneficial to the WNY area; and

WHEREAS, Senate Bill S7878, which was supported by this honorable body, proposed to further extend the opportunity to receive credits for an additional two years, pushing the deadline to December 31, 2017; and

WHEREAS, Governor Cuomo recently vetoed the above named legislation, which he had indicated support for earlier this year.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports extending the availability of brownfield redevelopment credits, refinancing of the State Superfund program, and calling for additional allocations to the hazardous waste clean-up account; and be it further

RESOLVED, that this honorable body requests that Governor Cuomo and the New York State Legislature extend this important and necessary program; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Cuomo's Office, the local leadership for all other Western New York Counties, and any other parties deemed necessary and proper.

MR. LORIGO moved to amend to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 28 – CHAIR MILLS directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO. 1-7 from LEGISLATOR MILLER-WILLIAMS. Community College Chargeback Policy.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 29 – MR. LORIGO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 7E-17. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Open Item: Cigarette Strike Force
(COMM. 7E-17, 2014)

MR. LORIGO moved to amend the resolution. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Insert the following:

WHEREAS, The Erie County Sheriff's Office is dedicated to eradicating illegal activity especially with activity associated with illegal cigarette trafficking, and

WHEREAS, the Erie County Sheriff's Office has participated in this strike force in the past and the strike force has had positive results in curtailing illegal activity, and

WHEREAS, the New York Department of Taxation and Finance provides the funding for the Deputy Sheriffs Officer position, and

WHEREAS, the Sheriff's Office and the County Executive need authorization to continue to participate in the New York State Cigarette Strike Force, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Office of the Sheriff and the County Executive to enter into any agreement that may be necessary with the New York State Department of Taxation and Finance's Cigarette Strike and to accept funds for the Deputy Sheriffs Officer position; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Office of the Comptroller, the County Attorney and the Office of the Sheriff.

MR. LORIGO moved for approval of the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 30 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 1-8 from LEGISLATORS MILLS, LORIGO & GRANT. Re: Legislature Appointment to the Buffalo Olmsted Parks Conservancy Board of Trustees.

MR. LORIGO moved for immediate consideration and approval. MS. DIXON seconded. MR. SAVAGE abstained.

CARRIED 10-0-1.

RESOLUTION NO. 9

WHEREAS, the Buffalo Olmsted Parks Conservancy (BOPC), a 501c3 not-for-profit, independent, community organization promotes, preserves, restores, enhances and ensures maintenance of Olmsted Parks and Parkways in the greater Buffalo area to guarantee Olmsted park experiences for current and future generations; and

WHEREAS, the By-laws of the BOPC, Section 3.21 “Appointed Trustees,” states that among its membership one trustee shall be appointed by the Erie County Legislature, and “shall have all the attributes and responsibilities of Board membership;” and

WHEREAS, there currently is a vacancy in the Legislature appointment to the board, and in order to ensure a continuity of representation, legislative action by this Honorable Body to fill this vacancy is necessary; and

WHEREAS, Third District Legislator Peter J. Savage III represents a district that includes the BOPC headquarters and two of the largest Olmsted Parks, which uniquely qualifies him to serve as the Legislature appointee to the BOPC Board of Trustees.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislator Peter J. Savage III be and hereby is appointed to serve as the Erie County Legislature representative to the Buffalo Olmsted Parks Conservancy Board of Trustees effective immediately; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Legislator Savage, the County Executive, the Mayor of the City of Buffalo, the Commissioners of Parks for both the City of Buffalo and County of Erie, and to the Executive Director of the Buffalo Olmsted Parks Conservancy (84 Parkside Ave., Buffalo NY 14214).

Item 31 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-12 from the COUNTY EXECUTIVE. Re: OPEN ITEM – ECC Academic Building Design & Construction.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 32 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-13 from the COUNTY EXECUTIVE. Re: 2014-2015 State Aid for Snowmobile Development.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 33 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-14 from the COUNTY EXECUTIVE. Re: Appointment to Buffalo & EC Public Library Board of Trustees.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 34 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1D-9 from EC REAL PROPERTY TAX SERVICES. Re: OPEN ITEM - Correction of Errors/NYS Real Property Tax Law.

Item 35 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1D-10 from the COMMISSIONER, DEPARTMENT OF HEALTH. Re: County Executive's Response to Comptroller's Audit Concerning Correctional Health Services.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 36 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Department of Probation - Personnel
Adjustment
(COMM. 1E-1)

WHEREAS, the attached resolution requests authorization to create one Probation Officer - Spanish Speaking position within the Erie County Department of Probation; and

WHEREAS, the 2014 Erie County Adopted Budget included the continuation of an existing 2014-15 grant for Buffalo & Erie County Stopping Abuse in the Family Environment (BE-SAFE) which was designed to develop a comprehensive approach and strengthen multi-disciplinary cooperation between the District Attorney's Office, the Probation Department, law enforcement and victim services to ensure safety of domestic violence victims; and

WHEREAS, the BE-SAFE grant had allowed the Probation Department to increase the level of supervision available for probationers with a domestic violence history; and

WHEREAS, the BE-SAFE grant was not funded by Department of Justice and the County became aware of this fact after the 2015 Budget had been completed and introduced to the County Legislature; and

WHEREAS, the creation of a Probation Officer - Spanish Speaking position will enable the Probation Department to maintain a manageable caseload size, providing appropriate supervision of Domestic Violence offenders sentenced to Probation; and

WHEREAS, the creation of the position will avoid the layoff of a Probation Officer and will allow the Department of Probation to continue to service an existing Domestic Violence specific caseload to ensure safety of domestic violence victims and compliance of offenders to the conditions of their probation; and

WHEREAS, the Probation Department has received notice of unanticipated state aid from the New York State Governor's Traffic Safety Committee (GTSC) Ignition Interlock Device

Monitoring award, expects the same from the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives (NYS DCJS-OPCA) Probation State Aid and also has existing available appropriations within account #559000 County Share- Grant for the 2015-16 BE-SAFE grant included in the Department of Probation's 2015 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget adjustment is hereby authorized in order to establish the creation of one Probation Officer - Spanish Speaking position in the Department of Probation effective January 1, 2015:

2015 Budget - Fund 110	
Probation - Fund Center 12610	
Revenue	Increase
Account 406000 State Aid Probation Services	28,725
Account 409020 Miscellaneous State Aid- Ignition Interlock	<u>34,155</u>
Total Revenue Increase	62,880
Probation - Fund Center 12610	
Appropriation	Increase/(Decrease)
Account 500000 Full Time Salary	47,314
Account 502000 Fringe Benefits	27,253
Account 559000 County Share Grants	<u>-11,687</u>
Total Appropriation Increase	62,880

; and be it further

RESOLVED, that one position of Probation Officer - Spanish Speaking is created within the Department of Probation operating fund (B100 #8074) effective January 1, 2015; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, the Personnel Department and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza.

FROM LEGISLATOR GRANT

Item 37 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded. MS. GRANT abstained.

CARRIED 10-0-1.

RESOLUTION NO. 11

RE: Lease Agreement for Legislative Office
Space
(COMM. 1E-2)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement (term: 01/01/2015-12/31/2015) with Richard C. Cummings for Legislative office space for Betty Jean Grant, located at 790 East Delevan Avenue, Buffalo, New York for a monthly rate of \$750.

FROM CHAIR MILLS

Item 38 – (COMM. 1E-3) 2015 Committee Assignments

To: Karen M. McCarthy, Clerk
From: John J. Mills, Chair
Date: December 22, 2014

ERIE COUNTY LEGISLATURE
2015 COMMITTEE ASSIGNMENTS

Community Enrichment

Chair: Kevin R. Hardwick
Vice-Chair: Edward A. Rath III
Members: Joseph C. Lorigo
Patrick B. Burke
Thomas A. Loughran

Government Affairs

Chair: Kevin R. Hardwick
Vice-Chair: Lynne M. Dixon
Members: Ted B. Morton
Thomas A. Loughran
Barbara Miller-Williams

Economic Development

Chair: Edward A. Rath III
Vice-Chair: Joseph C. Lorigo
Members: Ted B. Morton
Patrick B. Burke
Thomas A. Loughran

Health & Human Services

Chair: Lynne M. Dixon
Vice-Chair: Ted B. Morton
Members: Joseph C. Lorigo
Betty Jean Grant
Barbara Miller-Williams

Energy & Environment

Chair: Ted B. Morton
Vice-Chair: Joseph C. Lorigo
Members: Kevin R. Hardwick
Patrick B. Burke
Peter J. Savage III

Minority & Women Business Enterprise

Chair: John J. Mills
Vice-Chair: Lynne M. Dixon
Members: Joseph C. Lorigo
Betty Jean Grant
Peter J. Savage III

Finance & Management

Chair: Joseph C. Lorigo
Vice-Chair: Edward A. Rath III
Members: Kevin R. Hardwick
Barbara Miller-Williams
Peter J. Savage III

Public Safety

Chair: Edward A. Rath III
Vice-Chair: Lynne M. Dixon
Members: Ted B. Morton
Betty Jean Grant
Peter J. Savage III

Received, filed and printed.

Item 39 – (COMM. 1E-4) 2015 Invocation and Pledge of Allegiance Schedule

To: Karen M. McCarthy, Clerk

From: John J. Mills, Chair

Date: December 22, 2014

Subject: 2015 LEGISLATURE INVOCATION AND PLEDGE OF ALLEGIANCE SCHEDULE

ORDER OF NAMES – INVOCATION – PLEDGE

JANUARY

8 Mills and Grant
29 Dixon and Hardwick

JULY

9 Morton and Burke
30 Grant and Loughran

FEBRUARY

12 Lorigo and Miller-Williams
26 Savage and Loughran

AUGUST

Recess

MARCH

12 Rath and Morton
26 Burke and Dixon

SEPTEMBER

3 Lorigo and Miller-Williams
17 Dixon and Hardwick

APRIL

16 Morton and Burke
30 Loughran and Rath

OCTOBER

1 Loughran and Rath
22 Hardwick and Lorigo

MAY

14 Miller-Williams and Grant
28 Mills and Savage

NOVEMBER

5 Burke and Rath
19 Dixon and Morton

JUNE

11 Hardwick and Lorigo
25 Mills and Savage

DECEMBER

1 *Budget*
3 *Savage and Mills*
8 *Budget Override*
17 *Miller-Williams and Grant*

Received, filed and printed.

FROM THE COMPTROLLER

Item 40 – (COMM. 1E-5) Audit of Correctional Health Services and Inmate Medical Costs for Period January 2011-December 2013

Item 41 – (COMM. 1E-6) Performance Audit of the Comptroller's Office Accounts Payable Section January 2014-September 2014

Item 42 – (COMM. 1E-7) EC Water Authority - Audit of Compliance with Public Authority Laws & Regulations for Reporting July 2013-June 2014

Item 43 – (COMM. 1E-8) Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Sept, Oct, Nov 2014

The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 1E-9) Appointment of Commissioner of the Department of Mental Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – (COMM. 1E-10) Appointment to the Commission on the Status of Women

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 46 – (COMM. 1E-11) Letter of Support for ECC Board of Trustees Appointment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 47 – (COMM. 1D-1) Reduction of Agenda Items as of January 1, 2015

TO: Members of the Erie County Legislature
FROM: Karen M. McCarthy, Clerk
DATE: December 29, 2014
SUBJECT: Reduction of Agenda Items as of January 1, 2015

In accordance with the 2014 Rules of the Legislature §5.05 as amended the attached items will be removed from the Erie County Legislature's agenda as of January 1, 2015.

Thank you.

ERIE COUNTY LEGISLATURE

In accordance with Section 5.05 of the Legislature's 2014 Rules of Order (as amended)
Agenda Items to be Removed from the Agenda as of JANUARY 1, 2015

ITEM NUMBER	FROM	SUBJECT
<u>COMMUNITY ENRICHMENT COMMITTEE</u>		
COMM. 15E-17 (2013)	County Executive	OPEN ITEM ECC Academic Building-Design and Construction

ECONOMIC DEVELOPMENT
COMMITTEE

No Items

ENERGY & ENVIRONMENT

LL INT. 1-1 (2013)	McCracken, Grant, Mazur, Marinelli, Loughran & Hogues	A Local Law to Establish an Animal Registry in EC OPEN ITEM Energy & Environment Committee
COMM. 6E-9 (2013)	County Executive	Re-Occuring Bond Authorization
COMM. 6M-7 (2013)	EC SPCA	Letter to Legislature Concerning EC Animal Abuse Registry
COMM. 13D-3 (2013)	Department of Public Works	Letter to Legislator McCracken Concerning the EC Home Assessment Report for Determining Possible Re-Use of Abandonment

FINANCE & MANAGEMENT

No Items

GOVERNMENT AFFAIRS

INTRO. 17-1 (2013)	Hardwick	Eliminating the Positions of Majority Leader & Minority Leader at the EC Legislature
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HEALTH & HUMAN
SERVICES

INTRO. 12-6 (2013)	Grant	Requesting that NYS Office of Children & Families Promulgate Rules & Regulations for Child Protection that Adequately Address Multi- Cultural Differences
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MINORITY & WOMEN
BUSINESS ENTERPRISE

COMM. 12M-1 (2013)	The Outsource Center, LLC	Letter to Clerk of Legislature Concerning Contractor's Insurance Issue
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PUBLIC SAFETY

INTRO. 8-4 (2013)	Rath	Supporting NYS Senate Bill S. 1894 & NYS Assembly Bill A. 6205, Requiring Inmates to Make Medical Co-Payments
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Received, filed and printed.

Item 48 – (COMM. 1D-2) Reduction of Agenda Items During 2015

TO: Members of the Erie County Legislature
FROM: Karen M. McCarthy, Clerk
DATE: December 29, 2014
SUBJECT: Reduction of Agenda Items During 2015

In accordance with the 2014 Rules of the Legislature §5.05 as amended the attached items will be removed from the Erie County Legislature's agenda as of the date indicated.

Thank you.

ERIE COUNTY LEGISLATURE
In accordance with Section 5.05 of the Legislature's 2014 Rules of Order (as amended)
Agenda Items to be Removed During 2015

ITEM NUMBER	REMOVAL DATE	FROM	SUBJECT
<u>COMMUNITY ENRICHMENT COMMITTEE</u>			
COMM. 11M-2 (2014)	May 22	Buffalo Museum of Science	Request for Capital Funding to Restore Front Entrance of Museum of Science Building
INTRO. 15-7 (2014)	July 24	Rath	Indemnifying ECC from Cost-Overruns for STEM Building Capital Project
COMM. 21M-12 (2014)	Nov 6	Buffalo & EC Public Library	Information Requested by Legislators Lorigo and Rath from Committee Meeting
COMM. 25E-7 (2014)	Dec 4	Miller-Williams	Testimony Letter of Support from WNY Regional Economic Development Council Regarding Buffalo City Mission Expansion Project
COMM. 26E-24 (2014)	Dec 18	Miller-Williams	Letter of Support to Buffalo Common Council for Dedicating a Room in Honor of the Life of Mr. Moody W. Pugh Jr
<u>ECONOMIC DEVELOPMENT COMMITTEE</u>			
INTRO. 3-4 (2014)	Feb 6	Rath & Morton	A Resolution in support of the Community Choice Act (CCA)
COMM. 17E-4	Sept 4	Mills	Request for County Executive Appointment to EC Bridge and Road Maintenance Advisory Board
COMM. 21M-5 (2014)	Nov 6	Mayor, Village of Hamburg	Letter to DPW Regarding Bicycle Lanes and Sharrow Markings on Main St and Buffalo St, and Legion Dr, Village of Hamburg
COMM. 21M-6 (2014)	Nov 6	Lee Coppola	Letter to DPW Regarding Maintenance of McKinley Park Median, Town of Hamburg
COMM. 26D-2 (2014)	Dec 18	Commissioner, Dept of Environment & Planning EC Bridge & Road Infrastructure Maintenance	National Award for Bethlehem Rail Project Presented to the ECIDA and Dept of Environment & Planning
COMM. 26M-6 (2014)	Dec 18	Advisory Board	Minutes from Meeting No. 1-Oct 21, 2014
<u>ENERGY & ENVIRONMENT</u>			
INTRO. 4-6 (2014)	Feb 20	Grant, Miller-Williams & Burke	Resolution Supporting a New Environmental Bond Act
INTRO. 19-2 (2014)	Oct 2	Burke, Grant & Miller-Williams	Supporting the 'Microbead-free Waters Act' in New York State Senate
INTRO. 21-14 (2014)	Nov 6	Grant & Burke	Encouraging the State Attorney General to Enforce Laws Against Geographically-

			Based Zone Pricing
COMM. 26E-1 (2014)	Dec 18	County Executive	Intermunicipal Agreement to Establish the Lake Erie Watershed Protection Alliance EC Sewer District No. 3-Rush Creek Interceptor, Blasdell Milestrip Wet Weather Relief Pumping Station and Force Main Project
COMM. 26E-25 (2014)	Dec 18	County Executive	
COMM. 26M-3 (2014)	Dec 18	NYS Dept of Environmental Conservation	Cleanup Action Completed at Brownfield Site, Webster Block, 75 Main St Buffalo
COMM. 26M-4 (2014)	Dec 18	NYS Dept of Environmental Conservation	Cleanup Action Completed at Brownfield Site, 822 Seneca St Buffalo
COMM. 26M-5 (2014)	Dec 18	NYS Dept of Environmental Conservation	NYSDEC Modifies Cleanup Plan For State Superfund Site, 100 Forest Ave Buffalo

FINANCE & MANAGEMENT

			OPEN ITEM Finance & Management Committee-Correction of Errors/NYS Real Property Tax Law
COMM. 1D-8 (2014)	Jan 2	EC Real Property Tax Services	Provide Predictable Funding for the Buffalo & Erie County Library
LL INTRO. 5-1 (2014)	June 26	Hardwick	
INTRO. 26-1 (2014)	Dec 18	Mills & Grant	Erie County Audit Committee Appointment 2015-2018 Revised EC Four Year Financial Plan
COMM. 26E-26 (2014)	Dec 18	County Executive	Budget Monitoring Report for Period Ending October 2014
COMM. 26D-3 (2014)	Dec 18	Dept of Budget & Management	2014 Cultural Agreement-German American Musicians Association Inc.
COMM. 26D-4 (2014)	Dec 18	Commissioner, Dept of Environment & Planning	Failure to Comply
COMM. 26D-5 (2014)	Dec 18	Clerk of the Legislature	2015 Budget Accountability Notifications
COMM. 26M-7 (2014)	Dec 18	Erie Tobacco Asset Securitization Corporation	2015 Budget Report

GOVERNMENT AFFAIRS

			Calling on Governor Cuomo to Increase State Funding to Higher Education and on the New York State Legislature to Grant Debt Relief to Students
INTRO. 5-5 (2014)	March 13	Burke	
LL INTRO. 3-1 (2014)	May 22	Burke, Savage & Miller-Williams	Contractor Accountability Initiative of 2014
LL INTRO. 4-1 (2014)	June 12	Burke	The Strategic Development Act for the Creation of an Erie County Planning Board
INTRO. 12-4 (2014)	June 12	Savage & Burke	Urge New York State Legislature to Pass and the Governor to Sign S.6516, Authorizing Local Governments to Establish and Enforce Higher Levels of Minimum Wage
INTRO. 15-8 (2014)	July 24	Hardwick, Rath & Morton	Limitation on the Number of Consecutive Terms to be Served by EC Legislators
INTRO. 17-9 (2014)	Sept 4	Burke	Calling on the Irish Government to Study the Implications of a United Ireland and Expand the Rights of Duly Elected Northern MP's
INTRO. 22-2 (2014)	Nov 25	Savage, Grant, Miller-Williams, Burke & Loughran	Supporting Executive Order Concerning Pay Equity Certification on County Contracts

LL INTRO. 8-1 (2014)	Dec 4	Miller-Williams, Grant, Savage, Loughran & Burke	A LL, Amending Local Law No. 6-1987, Local Law No. 5-1994 and Local Law No. 9-2005 to Update Equal Employment Opportunity Goals for Minority Owned and Women Owned Enterprises
COMM. 26D-6 (2014)	Dec 18	County Attorney	Transmittal of New Claims Against EC

HEALTH & HUMAN SERVICES

COMM. 3M-7 (2014)	Feb 6	Rural Outreach Center	Proposal for Accessing County Services for the Rural Poor
INTRO. 4-4 (2014)	Feb 20	Miller-Williams, Grant & Burke	Supporting NYS Legislation to Strengthen the CPS Interview Process of Children Suspected of Being Abused or Maltreated
INTRO. 4-5 (2014)	Feb 20	Miller-Williams, Grant & Burke	Bringing the Family Court Act and the Social Services Law Up-to-Date
INTRO. 5-7 (2014)	March 13	Miller-Williams & Grant	Supporting Legislation to Strengthen Staff Qualifications for Caseworkers and Supervisors in Child Protective Services
INTRO. 19-1 (2014)	Oct 2	Savage, Grant, Loughran, Miller-Williams & Burke	Amend and Update County Law in Relation to the Regulation of Smoking in Erie County to Include E-Cigarettes
COMM. 19M-7 (2014)	Oct 2	Mark J. Travers	Remarks Regarding E-Cigarettes and Liquid Nicotine
COMM. 20M-6 (2014)	Oct 16	Juicy Vapor LLC	Supporting Materials Regarding E- Cigarettes and Vaping
LL INTRO. 9-1 (2014)	Dec 18	Savage, Grant & Loughran	A LL in Relation to the Regulation of Electronic Cigarettes ("E-Cigarettes")
INTRO. 26-5 (2014)	Dec 18	Dixon, Rath, Lorigo, Morton, Morton, Mills & Hardwick	A Resolution to Require Department of Health to Create a Countywide Voluntary Database for Individuals with Chronic Conditions for Use in Emergency Situations
COMM. 26E-27 (2014)	Dec 18	Grant	County Dental Network Card Program

MINORITY & WOMEN BUSINESS ENTERPRISE

COMM. 18E-11 (2014)	Sept 18	Miller-Williams	Request for Information Regarding Achievements and Action Plans for Equal Employment Opportunity Division
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PUBLIC SAFETY

COM. 7E-17 (2014)	April 3	Sheriff	OPEN ITEM Cigarette Strike Force
INTRO. 11-4 (2014)	May 22	Miller-Williams, Grant & Burke	Exploring Re-Establishment of the Erie County Conditional Release Commission Paper in Support of the Re-Establishment of the Erie County Conditional Release Commission
COMM. 12M-8 (2014)	June 12	Voice-Buffalo	Establishment of an Erie County Conditional Release Commission
LL INTRO. 7-1 (2014)	July 24	Miller-Williams	
COMM. 26E-20 (2014)	Dec 18	Sheriff	Authorization to Accept Gifts

Received, filed and printed.

FROM THE COMMISSIONER, DEPARTMENT OF PUBLIC WORKS

Item 49 – (COMM. 1D-3) 2014 Highway Projects Completion List

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 50 – (COMM. 1D-4) Letter Regarding Reporting Requirements for Organizations that had Previously Received Budget Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 51 – (COMM. 1D-5) Transmittal of New Claims Against Erie County

Item 52 – (COMM. 1D-6) New Claim Against Erie County – Rautenstrauch

Item 53 – (COMM. 1D-7) New Claim Against Erie County - Steinhilber

The above three items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BOARD OF HEALTH

Item 54 – (COMM. 1D-8) Agenda for January 2015 Meeting, Minutes of September 2014 Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 55 – (COMM. 1M-1) October 23, 2014 Board Minutes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 56 – (COMM. 1M-2) Cleanup Action Completed at Brownfield Site - 129 Holden Street, Buffalo

Item 57 – (COMM. 1M-3) Cleanup Action Completed at Brownfield Site - 979 Main Street, Buffalo

Item 58 – (COMM. 1M-4) Cleanup Action Completed at Brownfield Site - Phase 3-5 - 2303 Hamburg Turnpike, Lackawanna

Item 59 – (COMM. 1M-5) Cleanup Action Completed at Brownfield Site - Phase 3-6 - 2303 Hamburg Turnpike, Lackawanna

Item 60 – (COMM. 1M-6) Brownfield Cleanup Program Public Notice - Westwood Country Club Site, Town of Amherst

Item 61 – (COMM. 1M-7) Cleanup Requirements Met at Brownfield Site - 154 South Ogden Street, Buffalo

The above six items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 62 – CHAIR MILLS announced the committee schedule for January 22, 2015 has been distributed.

Item 63 – MS. DIXON announced a public hearing will be held on January 26, 2015 at 4:30 p.m. to hear public comment on proposed Local Law Intro. No. 9-1 (2014) “A Local Law in Relation to the Regulation of Electronic Cigarettes (“E-Cigarettes”).

Item 64 – MS. MILLER-WILLIAMS announced a Partnership for Public Good public forum January 16, 2015 at 2 p.m at the Merriweather Library.

MEMORIAL RESOLUTIONS

Item 65 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of David Isbell, Janet Koval, Thomas Lynch, Lennie F. Polito, and the victims of the terror attack in Paris, France.

Item 66 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Milana Cillag, Dorothy Marohn, and Jeffery J. Toth.

Item 67 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Tracy Wesley Hicks.

Item 68 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Frank L. Ciminelli and Patricia H. Hartmayer.

Item 69 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Lance Diamond and Irene Gault.

Item 70 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Mary Armento.

ADJOURNMENT

Item 71 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, January 29, 2015 at 2:00 p.m. Eastern Standard Time. MR. Rath seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, January 29, 2015 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY
CLERK OF THE LEGISLATURE**