

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO, AND MILLS**

**Re: Revocation of Emergency Powers and Executive Orders related to COVID-19
Response**

WHEREAS, the COVID-19 public health crisis has devastated our community for more than a year, both personally for many families and economically for many businesses; and

WHEREAS, actions taken by this honorable body and the County Executive last year were intended to be temporary to provide bureaucratic relief to the government to ensure Erie County could put forth an efficient and effective response to the very serious public health crisis we were facing; and

WHEREAS, this honorable body transferred an incredible amount of authority to the County Executive to manage this situation in March and June of last year before we overcame our first and second waves of the virus spiking and before a viable vaccine and vaccine distribution plan existed; and

WHEREAS, through the authority granted to them throughout the last year, Erie County has done an effective job at mitigating the damage this crisis could potentially have inflicted. Public servants, health care providers, and emergency response officials throughout the county are well prepared to continue to combat this no longer temporary situation; and

WHEREAS, more than one year later there are not emergency circumstances arising that require an instant response and therefore the County can safely return to our normal operating procedures which restore the system of checks and balances by making the Legislative Branch a separate but equal partner ready and willing to respond to any requests from the administration within 48 hours, as outlined in our adopted Rules of the Legislature; and

WHEREAS, this resolution seeks to rescind emergency powers and executive orders being utilized to respond to the public health crisis and return those decisions to the people's representatives in the Erie County Legislature, where proposals, rules and regulations intended to aid the response to the COVID-19 pandemic will be afforded a democratic up or down vote from the duly elected representatives of the people.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body believes that temporary emergency powers granted to the County Executive, through both legislation and executive order, are no longer appropriate or necessary considering the pandemic and the response to it are no longer temporary; and, be it further

RESOLVED, that this honorable body hereby revokes any and all authority granted to the County Executive and Director of Budget and Management in Legislative Resolution Comm. 6E-22(2020) that might still impact the 2020 fiscal year; and, be it further

RESOLVED, that this honorable body hereby terminates and suspends the Emergency Order 1.9, as written below, and every subsequent extension thereof:

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(1)(g) of New York State Executive Law do hereby:

- *Suspend or modify any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for the following buildings/projects:*

Renovations to the Public Health Lab

- *The majority of the scope of work will include storage space buildout in the CC building (to store COVID related PPE and materials) and office space buildout in the BB Building for newly created positions that will work on direct COVID response.*

Upgrades to the Fire Training Facility

- *The majority of the scope of work will include server room upgrades and buildout as well as the installation of a new whole-building generator. A need exists for these upgrades so that the building can operate independently as a public safety answering point to serve the public since this building was heavily used in response to COVID as well as future public emergencies. These upgrades will allow EMS staff to continue to facilitate COVID response for EMS staff and better serve the public.*

Renovations at Ticor Building (soon to be renamed)

- *Total renovation of building. First two floors being configured for call center space with the following portions of the building being complete by end of year: Roof replacement/abatement, building sprinkler, new HVAC system for entire building, boiler replacement, new fire services installation, sewer lateral replacements, gutter replacement, entablature (decorative gutter/façade detail) rehabilitation.*

Touchless Fixture installation (multiple buildings)

- *Touchless water fixtures will be installed throughout the County at high contact points at various facilities to help minimize the spread of germs while removing the requirement for people to physically touch plumbing fixtures. These fixtures will include auto-sensor bottle filling stations, auto-sensor flush valves on toilets as well as urinals. The fixture replacements will focus on high trafficked areas within the buildings included in the scope, both in employee-only areas and public areas as applicable*

Ultra Violet Germicidal Irradiation (UVGI) system installations (potentially multiple buildings)

- *The UVGI systems provide both improved HVAC hygiene and a quantifiable mitigation of the airborne spread of infectious or disease causing agents through our HVAC systems. UVGI systems will be integrated into our Building Management Systems (BMS) and will provide real time data on air quality and contaminants.*

Executive Orders 1.3, 1.4, and 1.7, as most recently renewed, are to remain in effect; and, be it further

RESOLVED, that this honorable body hereby revokes the following budget resolutions previously adopted in the 2021 Erie County Budget, Book B, Comm. 19E-7 (2020), as amended:

99. RESOLVED, only during the COVID-19 State of Emergency period, and with formal written notification made contemporaneously to the Legislature of such changes, when necessary, the Director of Budget and Management is authorized to transfer amounts above \$10,000 between any fund center's general ledger accounts.

100. RESOLVED, that the Director of Budget and Management is hereby authorized to make necessary revenue adjustments to Fund 253 for COVID-19 purposes based on State, Federal, and other emergency aid that may be received between January 1, 2021 and December 31, 2021, with formal written notification made contemporaneously to the Legislature of such changes; and be it further RESOLVED, that any spending/expenditures above \$250,000 related to the receipt of State, Federal, and other emergency COVID-19 aid that may be received between January 1, 2021 and December 2021 requires Legislature approval.

101. RESOLVED, that the County Executive is authorized to enter into contract(s) to accept and administer emergency aid related to the COVID-19 pandemic response efforts, provided that a contemporaneous written notification is made to the Legislature of said contracts. To the extent it may be necessary in order to qualify for, or administer such aid, the Director of Budget and Management is authorized to establish new grant(s), associated positions(s) and any potential subcontracts, provided there is no county share, and a contemporaneous written notification is made to the Legislature of said actions. Any grant valued at over \$250,000, however, requires Legislature approval.

and, be it further

RESOLVED, that this honorable body hereby directs the Director of Budget and Management to submit to the legislature, a full accounting of any and all expenses made by Erie County pursuant to authority granted in Comm. 6E-22 (2020), entitled "COVID-19 Emergency Funding," and, be it further

RESOLVED, that this honorable body reaffirms its ability and willingness to convene a special session with 48 hours' notice to consider and act on any time-sensitive items related to the COVID-19 response when it is inconvenient or impossible to abide by the set legislative calendar; and, be it further

RESOLVED, that this resolution does not prohibit or discourage the declaration of future emergencies; and, be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Mark C. Poloncarz, Erie County Comptroller Stefan Mychajliw, the Director of Budget and Management, and any other party deemed necessary and proper.

Fiscal Impact: None