

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 2, 2006**

The Legislature was called to order by Chairman Marinelli.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Kennedy.

Item 1 – MS. WHYTE moved to approve the Rules of the Legislature for 2006. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Adopting Erie County Legislature's Rules of the Legislature 2006

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature's Rules of the Legislature 2006 as follows:

**2006
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 Chairperson by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chairperson shall immediately assume all of the duties and responsibilities of the office.

The Chairperson 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 be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
 8. 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;
 9. 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.
 10. To establish independent committees, boards, and commissions to report to the Chairperson and/or Legislature, and appoint or remove the members thereof;
 11. To cancel public hearings for which the underlying Local Law has been withdrawn;
 12. 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 political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader.

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 party nor the other constitute a majority of

the members of the County Legislature, the Chairperson of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIRPERSON:

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

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 Chairperson. The schedule of regular sessions shall be determined by the Chairperson 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 Chairperson 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 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 CHAIRPERSON TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chairperson may take such measures as provided by law and as the Chairperson 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 Chairperson, 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;
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 Chairperson;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chairperson 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 Chairperson 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 Chairperson and confined to the question before the Legislature. The Chairperson shall prevent personal reflections and confine members to the question under discussion. The Chairperson 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 Chairperson shall have the right to assign his 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 Chairperson shall put the question: "Shall the Ruling of the Chairperson be overturned?"

A motion to overrule a decision or ruling of the Chairperson 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 Chairperson, 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 Chairperson'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 Chairperson's ruling has been decided however, and if the same has been a determination in favor of the Chairperson'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 Chairperson is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chairperson 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 Chairperson'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 Chairperson without debate, except as otherwise provided in Section 4.03, and the Chairperson'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 Chairperson, 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 Chairperson'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 Chairperson 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 Chairperson 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 Chairperson 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 Chairperson from his or her place and until obtaining recognition by the Chairperson.

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 Chairperson 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 Chairperson 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 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 Chairperson of the Legislature or the Chairperson of the Committee of the Whole, if so named, shall immediately report the fact to the Chairperson 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 communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two 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.

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 Community Enrichment, Economic Development, and Human Services shall consist of three members each and Energy & Environment, Finance & Management, Government Affairs, Health, and Public Safety shall consist of four members each, except the Finance & Management/Budget Committee which shall consist of seven 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 Chairperson 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
 Public Safety

SPECIAL COMMITTEES

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

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chairperson shall be a member Ex-officio of all committees with a vote thereon. The Chairperson'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 Chairperson at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chairperson 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 Chairperson 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.

3.06 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 Chairperson 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 approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, 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 1803 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 1803 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 1803, 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 Chairperson of the Legislature, notice of their candidacy for that position. The Chairperson of the Legislature shall notify the Chairperson 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 Chairperson 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 Chairperson 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 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

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 Chairperson, at his/her discretion, may authorize Committee Chairpersons 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.
6. This policy is retroactive to February 1, 2002.

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 Chairperson 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.

5.10 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.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meeting 2 for 2006. MR. KENNEDY seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 5 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MS. MARINELLI presented a resolution Recognizing February 14, 2006 as Project Safe Place Day in Erie County (Compass House).

Item 7 – The MAJORITY PARTY presented a resolution Honoring Brian Lipke for Receiving the 2006 National Human Relations Award from the Buffalo Niagara Chapter of the American Jewish Committee of February 7, 2006.

Item 8 - The MAJORITY PARTY presented a resolution Honoring Joann Falletta for Receiving the 2006 National Human Relations Award From the Buffalo Niagara Chapter of the American Jewish Committee of February 7, 2006.

Item 9 – MR. WEINSTEIN presented a resolution Honoring Jane S. Woodward on the Occasion of Her Recognition by the Town of Amherst Republican Party for her Tireless Efforts on Behalf of the Residents of Erie County.

Item 10 – MR. WEINSTEIN presented a resolution Honoring the 2006 Winner of the Interclub Council of WNY Susan B. Anthony Award the Honorable Sharon S. Townsend, Administrative Judge of the Eighth Judicial District of the NYS Supreme Court.

Item 11 – HOLT & SMITH presented a resolution In Memory of Ida Park.

Item 12 – SMITH & HOLT presented a resolution Recognizing February 13, 2006 as National African American Parental Involvement Day.

Item 13 – MS. MARINELLI presented a resolution Recognizing February 4, 8 & 16 as Annual National Girls & Women in Sports Day in Erie County.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

MS. MARINELLI directed that the agenda be taken out of order and a Communication Discharged from Committee be allowed for considered.

GRANTED.

Item 14 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 2E-7. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 27

RE: Extension of Erie County's Additional 1%
 Sales Tax Authority; Home Rule Request
 Resolution for Senate Bill No. S.6300

WHEREAS, the additional 1 % Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2005, will expire on February 28, 2006, unless further extended and imposed, and

WHEREAS, the Erie County budget for 2006 was adopted in anticipation of the extended imposition of the additional 1 % Erie County sales and compensating use tax, said extended imposition beginning March 1,2006 and ending February 28,2007, and

WHEREAS, failure to extend the imposition of the additional 1 % sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2006 Erie County budget, and

WHEREAS, Senate Bill No. S.6300, now pending before the New York State Legislature, would authorize the extended imposition of the additional 1 % sales and compensating use tax, beginning March 1, 2006 and ending February 28, 2007;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6300, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the County of Erie"

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

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

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

Failure to authorize the extended imposition of the additional 1 % sales and compensating use tax, beginning March 1, 2006 and ending February 28, 2007, will result in an estimated shortfall of more than \$105 million in the 2006 Erie County budget and the cessation of services essential to the people of Erie County.

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

AND BE IT FURTHER

MEETING NO. 3
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RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. WHYTE moved to amend the item. MR. HOLT seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, WEINSTEIN and LOUGHRAN.

CARRIED.

DELETE the resolution in its entirety and REPLACE with the following:

ASSEMBLY

WHEREAS, the additional 1 % Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2005, will expire on February 28, 2006 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1 % sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2006 Erie County budget, and

WHEREAS, Assembly Bill No. A.9461-A and Senate Bill No. S.6300-A, now pending before the New York State Legislature, would authorize a 2-year extension of the additional 1 % sales and compensating use tax, from March 1, 2006 to February 29, 2008, and would also require, effective January 1, 2007, that the first \$12.5 million of the net collections therefrom be subject to revenue distribution among Erie County's cities, towns and villages;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.9461-A, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie"

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

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

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

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2006 Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing, effective January 1, 2007, of the first \$12.5 million of the net collections there from with Erie County's cities, towns and villages. Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

SENATE

WHEREAS, the additional 1 % Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 5 of the Laws of 2005, will expire on February 28, 2006 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2006 Erie County budget, and

WHEREAS, Senate Bill No. S.6300-A and Assembly Bill No. A.9461-A, now pending before the New York State Legislature, would authorize a 2-year extension of the additional 1 % sales and compensating use tax, from March 1, 2006 ,to February 29, 2008, and would also require, effective January 1, 2007, that the first \$12.5 million of the net collections therefrom be subject to revenue distribution among Erie County's cities, towns and villages;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6300-A, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie"

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

The local government does not have power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. Failure to authorize the extended imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$105 million in the 2006 Erie County budget, the cessation of services essential to the

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

people of Erie County and jeopardize any sharing, effective January 1,2007, of the first \$12.5 million of the net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MS. WHYTE moved for approval of the item. MR. HOLT seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: HOLT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, WEINSTEIN and LOUGHRAN.

CARRIED.

LOCAL LAWS

Item 15 – MS. WHYTE moved to receive and file Local Law Intro No. 2 (Print #1) 2006. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 16 – CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 17 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – MR. RANZENHOFER moved to send the item to the ECONOMIC DEVELOPMENT COMMITTEE. MR. MILLS seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

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AYES: MILLS, RANZENHOFER, KONST and LOCKLEAR. NOES: WEINSTEIN, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 4; NOES: 11)

FAILED.

MR. KENNEDY moved for approval of Local Law Intro No. 1 (Print #1). MS. WHYTE seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: WEINSTEIN, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, KONST and LOCKLEAR. (AYES: 11, NOES: 4)

CARRIED.

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 1 – 2006
 LOCAL LAW NO. ____-2006

A LOCAL LAW in relation to a requirement for Worker Training Programs by contractors and subcontractors under contract with the County of Erie.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

A. There has been a long and productive history of partnership between labor and management in the training of workers in New York State.

B. Worker training programs are valuable educational and training tools for the local workforce by reducing reliance on out-of-area labor for construction projects.

C. Worker training programs provide opportunities to residents in this area through training and education for skilled jobs.

D. These skilled jobs create a better opportunity for the tax dollars spent on local construction projects to remain within the local community.

E. It would be valuable to encourage labor and business/industry to participate in worker training programs to meet the increased need for trade persons while providing residents the means to earn a better living and fostering the local and regional economies.

F. It is valuable for local government to encourage broad participation in such worker training programs by the residents of Erie County and to foster the equal opportunity of men and women of all races and backgrounds to participate in order to enhance workforce development and diversification.

G. The costs associated with a requirement that contractors and subcontractors performing construction and related services in contractual agreements with the County of Erie establish worker training programs are yet to be determined, but such costs will likely be mitigated significantly by the resulting increase in the skilled workforce from such a requirement, a circumstance that will ensure that Erie County's local workforce will be able to accommodate the need for well-trained construction workers.

H. This Local Law is a first step towards a single, uniform criterion for state registered apprenticeship programs through New York State Department of Labor.

I. It is the belief of the Erie County Legislature that the terms of this Local Law will allow the contractors and subcontractors who do business with Erie County to come into compliance with the criteria of this Local Law and, hopefully in due time with the criteria for state registered apprenticeship programs through New York State Department of Labor.

J. Nothing in this Local Law should be read to abrogate the duty of Erie County with respect to its MBE/WBE requirements.

Section 2. Short Title.

This Local Law shall be known as "The Erie County Workforce Development and Diversification Apprenticeship Training Program."

Section 3. Definitions.

A. "Worker training program" shall mean: a state registered apprenticeship program through New York State Department of Labor that includes the following standards:

- (a) An organized, written plan in place that embodies the terms and conditions of employment, and the training and supervision of one or more workers;
- (b) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor; and
- (c) Equal opportunity and affirmative action plans.

(d) Workforce development and diversification goals ensuring that the workforce includes at least 30% minority and female participation combined in project personnel including trades people, trainees, journeymen, apprentices, and supervisory staff.

(e) A minimum of ten (10%) percent of the workforce employed by any and all contractors or subcontractors be done by a person or persons participating in an apprenticeship program which has been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the NEW YORK LABOR LAW anything in Section 103 of the NEW YORK GENERAL MUNICIPAL LAW to the contrary notwithstanding.

B. "Commissioner" shall mean the Commissioner of the Erie County Department of Public Works.

C. "Construction contract" shall mean any contract to which the County of Erie shall be a signatory which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind.

D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract with the County of Erie which involves the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind.

E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs workers under a construction contract or construction subcontract, as defined herein, for which a worker-training program, registered through New York State Department of Labor is required.

F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind.

Section 4. Requirements and Exceptions.

A. Any contractor, prior to entering into a construction contract, as defined herein, with the County of Erie, or any subcontractor entering into a construction subcontract, as defined herein, with a contractor who has a construction contract, as defined herein, with the County of Erie, is required to have in place at the time of bid a NYS Department of Labor apprenticeship training program, as defined herein, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate for the type and scope of work to be performed.

B. For any construction worker working on a county project into which a construction contract or construction subcontract has been entered in accordance with the provisions Sections 4(A) of this Local Law, contractors and/or subcontractors must file with the Commissioner, a written certification of completion of a NYS Department of Labor approved apprenticeship training program in accordance with this Local Law.

C. The Commissioner shall file reports on a quarterly basis with the County Executive and the Legislature as to the training of workers and certification thereof as required by section 4(B) above.

D. Any contractor with the County of Erie, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Erie, is required to ensure that the workforce which it engages to perform work in execution of the contract or subcontract meets the minimal workforce diversification standards as defined in section 3(A) subparagraph d) above, such contractors and/or subcontractors shall provide the Commissioner or designated compliance officer with the following:

(a) A monthly workforce census and such other employment and/or payroll records necessary to verify achievement of the workforce diversity goals and demonstrate compliance with the minimum standards.

(b) Access and cooperation to the project compliance officer to review records on-site and/or at worksite premises to validate workforce participation.

(c) With bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting program directed at attracting candidates to fill positions to meet such requirements.

Section 5. Rules & Regulations.

The Commissioner of the Erie County Department of Public Works is hereby authorized to promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 6. Equal Employment Opportunity Oversight

The Director of the Erie County Division of Equal Employment Opportunity shall conduct oversight and review functions over apprenticeship training programs operated in accordance with the provisions of this Local Law to ensure compliance with federal, state and local laws and regulations concerning minority and women participation, and shall report to the Legislature annually concerning such compliance.

Section 7. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state laws, rules and regulations governing the termination of such contractual agreements.

Section 8. Severability.

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

Section 9. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 10. Effective Dates.

This Local Law shall take effect upon its filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

TIMOTHY M. KENNEDY

LYNN M. MARINELLI

BARRY A WEINSTEIN

MARIA R. WHYTE

DANIEL M. KOZUB

GEORGE A. HOLT

DEMONE A. SMITH

THOMAS J. MAZUR

MICHELE M. IANNELLO

ROBERT B. REYNOLDS, JR.

THOMAS A. LOUGHRAN

COMMITTEE REPORTS

Item 19 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

JANUARY 24, 2006

HEALTH COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT.

1. COMM. 1E-23 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has been awarded a continuation grant award in the amount of \$320,227 from the New York State Department of Health to enroll persons without insurance into the Child and Family Health Plus insurance programs, and

WHEREAS, the Erie County Department of Health wishes to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$35,496 for the purpose of performing at least 250 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/06 – 12/31/06, and

WHEREAS, this continuation grant award authorizes budgetary and personnel staffing adjustments, and

WHEREAS, the New York State Department of Health has approved the transfer of one full time position of Jr. Executive Assistant – 55A, JG 12, Women’s Health Services, position number 5319, from the Women’s Health Services Grant, SAP Title 127WOMENHLTH2006, to the Facilitated Enrollment Grant, SAP Title 127FACENROLL2006.

NOW, THEREFORE, BE IT

RESOLVED, that one full time position of Jr. Executive Assistant – 55A, JG 12, is hereby deleted from the Women’s Health Services Grant, SAP Title 127WOMENHLTH2006, and that one full time position of Jr. Executive Assistant – 55A, JG 12, is hereby created on B100 control #1724, in the Facilitated Enrollment Grant, SAP Title 127FACENROLL2006, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

Facilitated Enrollment Program
1/1/06 – 12/31/06
SAP TITLE: 127FACENROLL2006

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409000	State Aid Revenues	\$ 320,227	\$0	\$ 320,227
	Total	\$ 320,227	\$0	\$ 320,227

Expenses

500000	Personal Services	\$ 135,672	\$93,440	\$ 229,112
502000	Fringe Benefits	54,269	37,375	91,644
505000	Office Supplies	1,500	-204	1,296
510000	Travel & Mileage	9,000	0	9,000

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510100 Out Of Area Travel	2,000	-60	1,940
516010 Contract Payments- Non Professional	33,496	2,000	35,496
516020 Professional Service Contracts	10,000	-8,000	2,000
530000 Other	51,290	-51,290	0
561410 Lab & Tech Equipment	10,000	-10,000	0
561420 Office Equipment	5,000	-4,000	1,000
912790 Id - Health Grants	0	-55,721	-55,721
980000 Id - DISS	<u>8,000</u>	<u>-3,540</u>	<u>4,460</u>
TOTAL	<u>\$ 320,227</u>	<u>\$ 0</u>	<u>\$ 320,227</u>

HEALTH

EXPENSES

912790 ID - Health Grants	57,646	55,721	113,367
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REVENUE

416120 Primary Care Services	1,099,945	55,721	1,155,666
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and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a continuation subcontract with Healthy Community Alliance, Inc. in the amount of \$35,496 for the purpose of performing at least 250 Child Health Plus, Family Health Plus or Medicaid applications for the period 1/1/06 – 12/31/06, and be it further

RESOLVED, that the subcontract with Healthy Community Alliance is a special service which must be provided immediately and continuously and was originally proposed to the granting agency and is now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.
 (4-0)

2. **COMM. 1E-25 (2006) AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a WIC Program funded by a grant from the New York State Department of Health which pay for 100% of expenses incurred, and

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

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WHEREAS, the Erie County Health Department wishes to enter into lease agreements with the following community agencies:

St. Simon's Episcopal Church 200 Cazenovia Buffalo, NY 14210	670 sq.ft.	\$7,500/year (\$7,200/year previous yearly cost) (with option for two one-year extensions)	11/1/05-10/31/06
Concerned Ecumenical Ministry 286 Lafayette Buffalo, NY 14213	300 sq. ft.	\$1,200/year (no change in yearly cost) (with option for two one-year extensions)	9/1/05-8/31/06
Northwest Buffalo Community Center 155 Lawn Avenue Buffalo, NY 14207	500sq.ft.	\$2,100/year (no change in yearly cost) (with option for two one-year extensions)	10/1/05-9/30/06

to be utilized as a WIC distribution site, and

WHEREAS, the written lease agreements for each site were approved as to form by the Erie County Attorney and reviewed by the following: WIC Director, NYS Department of Health Field Representative, Commissioner of Health, and Director of Finance, Management & Budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into lease agreements with St. Simon's Episcopal Church, Concerned Ecumenical Ministry, and the Northwest Buffalo Community Center, there being funds available in the WIC Program budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
(4-0)

3. COMM. 2E-16 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individual as a non-voting member of the Erie County Medical Center Corporation Board of Directors for a term of one (1) year beginning January 1, 2006.

Kevin M. Hogan, Esq.
9 Argyle Park
Buffalo, New York 14222

(3-0) Legislator Weinstein not present.

CYNTHIA E. LOCKLEAR
CHAIRPERSON

Item 20 – MR. SMITH presented the following report and moved for immediate consideration and approval. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

JANUARY 26, 2006

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT. LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 28E-4 (2005)
COMPTROLLER: Interim Financial Statements for the Nine-Months Ended 9/30/05
 (5-0)
2. INTRO 2-2 (2006) **AS AMENDED**
MARINELLI, WHYTE, KONST, SMITH & MILLS
 WHEREAS, the 2006 Budget includes the addition of a Revenue Recovery Unit within the Department of Budget, Management & Finance at a cost of \$105,177; and

WHEREAS, the Revenue Recovery Unit is expected to benefit the County by recovering revenue that would not otherwise be collected; and

WHEREAS, this is a significant investment on behalf of County Taxpayers in a period of reductions in many other services; and

WHEREAS, the money for this unit has been available since January 1, 2006, and this honorable body wishes to learn how it is presently being utilized.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby call upon the Director of Budget, Management and Finance to appear before the Finance & Management Committee to discuss the progress made on the constituting of this unit; and be it further

RESOLVED, the Erie County Legislature does hereby request that the County Executive, or his appointed Director of Budget, Management and Finance, report henceforth on a monthly basis the activities of the Revenue Recovery Unit; and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Attorney and Director of Budget, Management and Finance.
 (5-0)

3. COMM. 2D-3 (2006) **AS AMENDED**
BUDGET, MANAGEMENT & FINANCE

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 206001 through 206010 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2005 Petition No. 206001

ASSESSOR **Refund** \$1,509.07

S-B-L 69.06-3-27 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$1,509.07 Town/SpecialDist/School

Charge To : 142289 AMHERST \$1,509.07

Relevy School \$1,509.07 142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 77,500 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

CHECK FOR: HOMZY CARUANA

FISCAL YEAR 2003 Petition No. 206002

ASSESSOR **Refund** \$816.16

S-B-L 69.17-5-30-405 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$816.16 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$816.16

Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C WILLIAMSVILLE CENTRAL

CHECK FOR: WILLIAM P CEGLES & BARBARA WILLEUMIER

FISCAL YEAR 2004 Petition No. 206003

ASSESSOR **Cancel** \$831.49

S-B-L 69.17-5-30-405 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$831.49 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$831.49

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Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C WILLIAMSVILLE CENTRAL CHECK FOR: ESTHER CEGLES & BARBARA WILLEUMIER

FISCAL YEAR 2005 Petition No. 206004

ASSESSOR Refund \$811.98

S-B-L 69.17-5-30-405 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$811.98 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$811.98

Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 53,120 WAS OMITTED FROM THE PARCEL IN ERROR. RPTL (2)C WILLIAMSVILLE CENTRAL CHECK FOR: ESTHER CEGLES & BARBARA WILLEUMIER

FISCAL YEAR 2006 Petition No. 206005

ASSESSOR Cancel \$4,772.20

S-B-L 81.02-1-14.121 142289 AMHERST

Acct. No. 112 \$1,946.10 County

Acct. No. 132 \$2,826.10 Town/SpecialDist/School

22031 MAIN TRANSIT FIRE PROTECTION \$374.94

Charge To : 142289 AMHERST \$2,451.16

CANCEL - CLERICAL ERROR, PARCEL WAS SPLIT FROM A TOWN OF AMHERST PARCEL WHICH WAS EXEMPT FROM TAXES. THIS PARCEL WILL BE EXEMPT FOR 2006. THE 2006 TAX WILL GO ON THE 2007 AS AN RPTL 520. RPTL 550(2)A

FISCAL YEAR 2005 Petition No. 206006

ASSESSOR Refund \$693.20

S-B-L 81.09-1-23.1-30 142289 AMHERST

Acct. No. 112 \$0.00 County

Acct. No. 132 \$693.20 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$693.20

Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 53,120 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C WILLIAMSVILLE CENTRAL

CHECK FOR: JOHN & KATHERINE BAKER

FISCAL YEAR 2006 Petition No. 206007

ASSESSOR Cancel \$401.17

S-B-L 164.00-2-38.1 142289 AURORA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$401.17 Town/SpecialDist/School

Charge To : 142289 AURORA \$401.17

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY NEW YORK STATE PARKS STATE PAYS TAX ONLY ON SPECIAL ASSESSMENTS THAT THEY RECEIVE A

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DIRECT BENEFIT. RPTL 550(7)A

FISCAL YEAR 2004 Petition No. 206008

ASSESSOR Refund \$36.00

S-B-L 104.34-2-33 145289 LANCASTER

Acct. No. 112 \$0.00 County

Acct. No. 132 \$36.00 Town/SpecialDist/School

52499 EC4 FOOTG \$36.00

Charge To : 145289 LANCASTER \$0.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOOTAGE IN ERROR.

FRONTAGE IS MISCALCULATED. RPTL 550(2)E

CHECK FOR: LIVING INDEPENDENTLY INC

FISCAL YEAR 2005 Petition No. 206009

ASSESSOR Refund \$651.54

S-B-L 85.00-2-4 145689 NEWSTEAD

Acct. No. 112 \$0.00 County

Acct. No. 132 \$651.54 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$651.54

Charge To : 145689 NEWSTEAD \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR WAS 129,600 AND SHOULD BE

167,400. (MOBILE PARK) ALDEN CENTRAL

CHECK FOR: DENNIS & EUNICE HUDOMINT

FISCAL YEAR 2005 Petition No. 206010

ASSESSOR Cancel \$333.17

S-B-L 272.00-3-4.11 145889 NORTH COLLINS

Acct. No. 112 \$133.23 County

Acct. No. 132 \$199.94 Town/SpecialDist/School

Charge To : 145889 NORTH COLLINS \$199.94

REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS MISCALCULATED.

41121- WAS 18,000 S/B 30,000; 41141 WAS 35,1401 S/B 52,710. RPTL 550(2)

CHECK FOR: JAMES & BONNIE GAVIN

(5-0)

DEMONE A. SMITH
CHAIRMAN

Item 21 – MS. KONST moved for consideration of the following and separation of item #1.
 MS. LOCKLEAR seconded.

CHAIRMAN MARINELLI directed that a roll call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KONST, LOCKLEAR,
 MAZUR and WHYTE. NOES: HOLT, KENNEDY, KOZUB, LOUGHRAN, MARINELLI,
 REYNOLDS and SMITH. (AYES: 8, NOES: 7)

CARRIED.

RESOLUTION NO. 30

JANUARY 26, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 32E-17 (2005) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, there is a need for Highway/Bridge Engineering Services performed by a firm specializing in the provision of such services, and

WHEREAS, after careful review by the Department of Public Works of each firm's capabilities, several firms were selected having the necessary expertise, experience and manpower to provide the required services, and

WHEREAS, this method of assigning projects to any one of the selected firms will permit a more timely execution of projects, and

WHEREAS, it is necessary appropriate to have sufficient depth of consultant talent and expertise to handle the anticipated increase in County highway and bridge projects, and

WHEREAS, it is necessary to make available twenty-seven (27) consultant firms for various programmed Federal Aid Projects, Capital Projects and Emergency Projects.

NOW, THEREFORE, BE IT,

RESOLVED, that your Honorable Body authorize the County Executive to enter into an agreement with each of the following firms to provide General Highway/Bridge Engineering Services for miscellaneous projects:

Abate Engineering Associates, P.C.
 Bergmann Associates
 C & S Engineers, Inc.
 Clark Patterson Associates
 CME
 D & S Realty Consultants, Inc.
 DiDonato Associates, P.E., P.C.
 Empire Geo Services, Inc..
 Erdman Anthony & Associates, Inc
 Fisher Associates, P.E.,L.S.,P.C.
 Foit-Albert Associates
 FRA Engineering, P.C.
 Greenman-Pedersen, Inc.

GZA GeoEnvironmental of New York
 Hatch Mott McDonald NY, Inc.
 Liro Kassner, Inc.
 McMahon & Mann Consulting Eng.P.C.,Inc.
 Nussbaumer & Clark, Inc.
 Parsons Brinckerhoff Quade & Douglas, Inc
 Parsons Transportation Group of NY, Inc.
 Stantec Consulting Group, Inc.
 TVGA Engineering & Surveying, P.C.
 Urban Engineers of New York, P.C.
 URS Corporation
 Watts Engineers
 Wendel-Duchscherer, P.C.

and be it further

RESOLVED, that the listing of Consultant firms that the County Executive is authorized to enter into agreement with to provide General Highway/Bridget Engineering Services for miscellaneous projects, be increased to twenty-seven (27) firms, and be it further

RESOLVED, that the fees for the contracts to the above-noted engineering firms will be \$1,000,000 or less, and be it further,

RESOLVED, that the contract duration will be for one year, with a clause to renew the contract for one additional year at the discretion of the Commissioner of Public Works, and be it further,

RESOLVED, that the engineering fees will be paid to the selected consultants on a project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works and approved by the Erie County Legislature, and be it further,

RESOLVED, that funding for such services be identified separately for each such project that is to be accomplished, and be it further,

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Deputy Commissioner, Highways, Department of Public Works, and also one copy each to the Office of the County Executive, the Commissioner of Public Works, the Division of Budget Management & Finance, and the Office of the County Comptroller.

2. **COMM. 1E-19 (2006) AS AMENDED**

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on January 13, 2005 for the Erie County Highway Division, Harlem & Hamburg Maintenance Centers and the Erie County Bureau of Weights & Measures, Emergency Generator Installation project, and

WHEREAS, the Department of Public Works engaged the firm of Buffalo Engineering for design services, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Tunney Electric, Inc. for the Highway Maintenance Centers at Harlem and Hamburg and the Erie County Bureau of Weights & Measures, Emergency Generator Installation project as follows:

ELECTRICAL CONTRACT

Tunney Electric, Inc.

Base Bid:

\$164,799.00

and be it further,

RESOLVED, that the sum of \$15,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the Commissioner of Public Works is authorized to issue a supplemental agreement to Buffalo Engineering for inspection services in an amount not to exceed \$15,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from '03 Code Compliance, Project A.00069 for an amount not to exceed \$194,799.00, and be it further,

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

**TIMOTHY M. KENNEDY
CHAIRMAN**

MR. KENNEDY made a motion to move the balance of the report. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to return item #1 to the ECONOMIC DEVELOPMENT COMMITTEE for further consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

JANUARY 26, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER

ALL ITEMS ARE HEREBY TABLED.

**THOMAS J. LOUGHRAN
CHAIRMAN**

Item 23 – MR. HOLT presented the following report and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

JANUARY 26, 2006

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT. LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27E-23 (2005)
COUNTY EXECUTIVE: Appropriation of \$3 Million for Risk Retention Fund AS AMENDED
(5-0)
 - b. COMM. 2E-2 (2006)
COUNTY EXECUTIVE: Copy of Letter to Mayor of Buffalo Re: City/County-Stat
(5-0)
 - c. COMM. 2E-3 (2006)
MARINELLI: Copy of Letter to County Executive Re: 2006 Lobbying Efforts
(5-0)
 - d. COMM. 2E-22 (2006)
MARINELLI: Copy of Letter to Election Commissioners Re: HAVA
(5-0)

**GEORGE A. HOLT, JR.
CHAIRMAN**

Item 24 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 33

JANUARY 26, 2006

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 32D-5 (2005)
ECC: ECL Resolution Intro. 16-8
 (3-0)

2. COMM. 2E-10 (2006)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Buffalo & Erie County Public Library Board of Trustees:

NAME & ADDRESS

TERM EXPIRES

Sheldon Berlow
 70 Oakland Place
 Buffalo, New York 14222

December 31, 2010

(3-0)

MICHELE M. IANNELLO
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

RE: Designation of Provider for Erie County
 Audit Services for 2005-2010 (INTRO 3-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the contract for the audit of Erie County expired with the completion of the audit for the fiscal year ended December 31, 2004; and

WHEREAS, the Audit Committee for Erie County prepared and forwarded requests for proposal (RFP) to national and regional certified public accounting firms requesting proposals for the audits of the County for fiscal years 2005 through 2010; and

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WHEREAS, the Audit Committee's RFP and evaluation of the responses was in full compliance with paragraph C. Section 1813 of the Erie County Charter; and

WHEREAS, in order to comply with requirement of the Erie County Fiscal Stability Authority Act, and in consideration of staff reduction in the Comptroller's Office, the RFP sent to the audit firms requested fee pricing for four scenarios summarized in the fee chart before; and

	Financials prepared by Audit Firm within		Financials prepared by Erie County within	
	120 Days	180 Days	120 Days	180 Days
2005	\$284,800	\$246,000	\$259,720	\$232,800
2006	299,000	258,300	272,700	244,500
2007	313,950	271,150	286,300	256,690
2008	329,700	284,800	300,625	269,525
2009	346,185	299,040	315,650	283,000
2010	363,500	313,950	331,430	297,150

WHEREAS, the firm Deloitte & Touche, LLP was the only firm responding to the RFP; and

WHEREAS, Deloitte & Touche's response complied with all aspects of the Audit Committee's RFP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract for the audit of Erie County's financial statements, to include the federal single audit for fiscal years 2005 through 2010, and be it further

RESOLVED, the contract for the audit of Erie County's financial statements shall be paid from the Comptroller's dues and fees account and will be negotiated to select the lowest possible cost for each audit year, and be it further

RESOLVED, that the independent accountant will audit the state required reports of the Mental Health and Health Departments at a per report cost as follows: 2005 - \$7,200, 2006 - \$7,300, 2007 - \$7,400, 2008 - \$7,500, 2009 - \$7,600, and 2010 - \$7,700, and that such fees will also apply in the event New York State assigns special reporting requirements to other County departments, and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, Budget Director, Comptroller and County Attorney.

FISCAL IMPACT: AS INDICATED

Item 26 - CHAIRMAN MARINELLI directed the following resolution be sent to the FINANCE & MANAGEMENT COMMITTEE.

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GRANTED.

INTRO 3-2 from LEGISLATOR SMITH Re: Institution of Mid-Year Budget Hearings by Erie County Legislature.

Item 27 - CHAIRMAN MARINELLI directed the following resolution be sent to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-3 from LEGISLATORS KONST, LOCKLEAR, IANNELLO, REYNOLDS, SMITH, WEINSTEIN, MILLS & WHYTE Re: Ad Hoc Committee on Personnel Request

Item 28 – MS. WHYTE moved to Receive and File the following resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

INTRO 3-4 from LEGISLATOR MARINELLI Re: Home Rule Message to NYS Legislature on Sales & Compensating Use Tax

Item 29 – CHAIRMAN MARINELLI directed the following resolution be sent to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-5 from 2006 Budget & Grant Funded Services & Grant Funded Employees

Item 30 – MR. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

RE: 2006 Legislature Budget Technical
Amendments (INTRO 3-6)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

MS. WHYTE moved to amend the item by attaching the following resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

ADD the following:

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2006 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2006, and all of which are effective January 20, 2006:

Fund Center 100, Cost Center 1005017 District Office Staff

ADD (1) Senior Secretarial Assist Leg Dis Of PT. JG 6 \$15,887

And be it further,

RESOLVED, that the following budget transfers shall be made:

Fund Center 100, Account 500000, Full-Time Salaries	-\$60,000
Fund Center 100, Account 500020, Regular Part Time Wages	+\$60,000
Fund Center 100, Account 500000, Full-Time Salaries	-\$100,000
Fund Center 100, Account 500010, Part-Time Wages	+\$100,000

And be it further,

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, County Attorney, and Comptroller.

Fiscal Impact: Necessary for Legislature operations and no net impact to the Legislature's 2006 Adopted Budget.

MS. WHYTE moved to approve the item. MR. KOZUB seconded. MR. RANZENHOFER voted in the negative.

CARRIED (14-1).

Item 31 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

RE: Appointments and Reappointments to Fill Board Vacancies (INTRO 3-7)

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

MS. WHYTE moved to amend the item by attaching the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Legislature has received notification of vacancies existing on several boards and/or committees; and

WHEREAS, the proper functioning of boards and committees conducting business on behalf of and directly for the County of Erie is necessary for the operation of many necessary services and programs.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Robert Reynolds be appointed the Democratic member representing the Erie County Legislature on the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that Legislator Kathy Konst be appointed the Democratic member and Legislator John Mills be appointed the Republican member representing the Erie County Legislature on the Erie County Audit Committee; and be it further

RESOLVED, that Legislator Robert Reynolds be appointed the Democratic member representing the Erie County Legislature on the Erie County Soil and Water Conservation District; and be it further

RESOLVED, that Francis Gernatt, Chairman, 13384 Oswald Road, Collins; Rosemary Bapst, 2901 Bowen Road, PO Box C, Elma, and Darlene Vogel, 43 Errington Terrace, Orchard Park, be reappointed members-at-large, and Stanley Travis, Treasurer, be reappointed the Farm Bureau Representative, on the Erie County Soil and Water Conservation District; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Agricultural and Farmland Protection Board, the Erie County Audit Committee and the Erie County Soil and Water Conservation District.

MS. WHYTE moved for the approval of the item. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 32 - CHAIRMAN MARINELLI directed the following resolution be sent to the HEALTH COMMITTEE.

GRANTED.

INTRO 3-8 from LEGISLATOR MARINELLI Re: Appointments to Fill Erie County Home Health Care Advisory Board Vacancies

Item 33 – CHAIRMAN MARINELLI directed the following resolution be sent to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 3-9 from LEGISLATORS WEINSTEIN & MILLS Re: Requesting Erie County Comptroller to Audit the City of Buffalo - Erie County Parks Merger

Item 34 – CHAIRMAN MARINELLI directed the following resolution be sent to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-10 from LEGISLATORS LOCKLEAR, KONST, MAZUR, HOLT, REYNOLDS & LOUGHRAN Re: Long & Short-Term Debt Analysis

Item 35 – CHAIRMAN MARINELLI directed the following resolution be sent to the FINANCE & MANAGEMENT COMMITTEE

GRANTED.

INTRO 3-11 from LEGISLATORS LOCKLEAR, KONST, WEINSTEIN & MAZUR Re: Extension of the "Eighth Penny" & Establishment of "The Stakeholders Task Force on Rationalizing Revenue Sharing & Intergovernmental Services"

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MS. WHYTE moved to discharge the Finance & Management/Budget Committee from further Consideration of Comm. 26E-2. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

COMM. 26E-2 from the COUNTY EXECUTIVE Re: Revise Four-Year Plan to the ECFSA

MS. WHYTE moved to receive and file the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. WHYTE moved to discharge the Finance & Management/Budget Committee from further consideration of Comm. 26M-1. MS. KONST seconded.

CARRIED UNANIMOUSLY.

COMM. 26M-1 from ECFSA Re: Disapproval Notice of Four-Year Plan

MS. WHYTE moved to receive and file the item. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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Item 38 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 32E-20. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

RE: Rath Building - 14th Floor Asbestos
Abatement & Reconstruction (COMM. 32E-20)

WHEREAS, the 2002 Capital budget included funds for asbestos abatement and reconstruction of the fourteenth floor of the Rath Building, and

WHEREAS, the firms of DiDonato Associates and Watts Engineering currently have General Architectural/Engineering Agreements previously authorized by your Honorable Body, and

WHEREAS, the Department of Public Works is requesting your Honorable Body's authorization to issue a Supplemental Agreement to DiDonato Associates for providing design services for reconstruction of the 14th floor of the Rath Building for an amount not to exceed \$115,000, and

WHEREAS, the Department of Public Works is requesting your Honorable Body's authorization to issue a Supplemental Agreement to Watts Engineering to provide environmental services for asbestos abatement and reconstruction of the 14th floor of the Rath Building for an amount not to exceed \$45,000.00, including miscellaneous testing and monitoring services, and

WHEREAS, the Department of Public Works received bids for re-fireproofing the building structural steel and columns supporting the floor above the 14th floor of the Rath Building on November 17, 2004, and

WHEREAS, the lowest responsible bidder for the re-fireproofing work was Allgaier Construction with a bid of \$124,000.00, a copy of the original bid tabulation is attached for your reference,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to DiDonato Associates for an amount not to exceed \$115,000.00, and be it further

RESOLVED, that the Commissioner of Public Works be authorized to issue a Supplemental Agreement to Watts Engineering for an amount not to exceed \$45,000.00, and be it further

RESOLVED, that the County Executive be authorized to enter into a contract with Allgaier Construction for an amount not to exceed \$124,000, and be it further,

RESOLVED, that the sum of \$16,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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RESOLVED, that deduct change orders will result in funds being returned to the Contingency account, and be it further;

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above for an amount not to exceed \$300,000.00 from Project A.00052, 2002 Asbestos Abatement – Rath Building, and be it further,

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

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 1E-32. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

RE: DPW - Rath Building - 2006 - 14th
 Floor - Asbestos Abatement (COMM. 1E-32)

MS. WHYTE moved to amend the item by attaching the following resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Public Works received bids on January 5, 2006 for the Rath Building – 2006 – 14th Floor Asbestos Abatement project, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Rath Building – 2006 – 14th Floor Asbestos Abatement project as follows:

ASBESTOS ABATEMENT CONTRACT

Superior Abatement, Inc.

Base bid: \$361,000.00

And be it further

RESOLVED, that the sum of \$49,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not exceed the contingency, and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the contingency fund, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments from the 2002 Rath Building – Asbestos Abatement & Reconstruction Account, Project A.00052, for an amount not to exceed \$400,000.00, and be it further

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 40 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3M-6 from the STATE DELEGATION Re: Erie County Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 41 – (Comm. 3E-1) Sheriff Dispatchers

Received, Filed and Printed.

January 19, 2006

Honorable Members
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

RE: Sheriff Dispatchers

Dear Honorable Members:

I am responding to your request, pursuant to your adoption of Comm. 1E-10 (2006) (as amended), to confirm that monies are available in account to fund the actions approved by your Honorable Body in Comm. 1E-10.

Comm. 1E-10 (2006), as amended, entails the transfer of seven (7) Sheriff Dispatcher and three (3) Sheriff Dispatcher 55A positions from the Department of Central Police Services ("CPS") back to the Erie County Sheriff Office Sheriff Division, as well as the restoration of four (4) Sheriff Dispatcher positions in the Sheriff Division budget for the period January 1, 2006 until April 30, 2006. According to the resolution, on May 1, 2006, the seven (7) Sheriff Dispatcher and three (3) Sheriff Dispatcher 55A positions will then transfer to CPS.

To effectuate the transfer of the ten (10) Dispatchers back to the Sheriff Division, funds totaling \$130,750 would be transferred from CPS Account 500000 (Full-Time Salaries), to the Erie County Sheriff Office, Sheriff Division, Account 500000. As per your request, I can confirm that such monies are available in CPS Account 500000 as of today's date.

To effectuate the retention of the four (4) Dispatchers in the Sheriff Division, the resolution transfers \$64,000 from the Erie County Sheriff Office, Jail Management Division, Account 516050 (Contractual-ECMC) to the Erie County Sheriff Office, Sheriff Division, Account 500000. As per your request, I can confirm that such monies are available in Jail Management Account 516050 as of today's date.

Finally, as you are no doubt aware, the consolidation of all 911 call taking and dispatch services is a part of the County's Four Year Financial Plan under the provisions of the Erie County Fiscal Stability Act and savings through such consolidation are anticipated in Fiscal Year 2006. The County's 2006 Adopted Budget also includes the transfer of Sheriff Dispatchers from the Erie County Sheriffs Office.

I trust that this information is helpful to you. If I may be of any further assistance, please do not hesitate to contact us.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Comptroller

MCP:tcc

Item 42 – (Comm. 3E-2) ERI Incentive in Governor's Proposed Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MR. REYNOLDS abstained.

CARRIED (15-0)

RESOLUTION NO. 39

RE: Legislative District Office (Comm. 3E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign an Two (2) Year Lease Agreement with the Estate of Anthony Ilaboo for Legislative office space for Robert Reynolds, located at 3 Buffalo St., Hamburg, NY for a monthly rate of \$650.

FROM LEGISLATOR LOCKLEAR

Item 44 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. LOCKLEAR abstained.

CARRIED (15-0)

RESOLUTION NO. 40

RE: Legislative District Office (Comm. 3E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign an Eleven (11) Month Lease Agreement with the Town of West Seneca for Legislative office space for Cynthia Locklear, located at 12 School Street, Upper Unit in West Seneca, NY for a monthly rate of \$650.

FROM THE COMPTROLLER

Item 45 – (COMM. 3E-5) Audit and Review of Operations of the Erie County Board of Elections

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 3E-6) DPW's Participation in the Shared Municipal Service Incentive Grant Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – (Comm. 3E-7) DA's Office - Federal Family Violence Prevention Services Act (FFVPSA) Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 48 – (COMM. 3E-8) Buffalo & Erie County Botanical Gardens, Houses 11 & 12 Reconstruction - Contingency Fund Increase

Item 49 – (COMM. 3E-9) Rath Building Cooling Replacement - Engineer's Supplemental Agreement

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ERIE COUNTY LEGISLATURE

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 50 – (COMM. 3E-10) ECSD No. 1 - Engineering Service Agreements - Work Order: URS-4, Legislative Comm. 21E-33

Item 51 – (COMM. 3E-11) EC Division of Sewerage Management - Proposed Agreement, Staff Development Services - Electronic Filing System Project

Item 52 – (COMM. 3E-12) ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-7

Item 53 – (COMM. 3E-13) ECSD Nos. 1, 2, 3, 4 & 5 - Engineering Agreement Close-Out - Web-Based O&M Manuals - Malcom Pirnie, Inc.

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

Item 54 – (COMM. 3E-14) Health - Working with Wellness Program - 1/1/06 - 12/31/06

Item 55 – (COMM. 3E-15) Health - Children with Special Health Care Needs - 10/1/05 - 9/30/06 - SAP Title: 127CWSHCN0506

The above two items were received and referred to the HEALTH COMMITTEE.

Item 56 – (COMM. 3E-16) ECSD & STSTA - Engineering Agreement Close-Out - 2002 - Term Agreement - URS Corporation

Item 57 – (COMM. 3E-17) WNY Stormwater Management Implement Project - Additional GIS Mapping Services

Item 58 – (COMM. 3E-18) MOA: WNY Stormwater Coalition

Item 59 – (COMM. 3E-19) WNY Stormwater Coalition Software Purchase Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 60 - (COMM. 3E-20) Appointment to Charter Revision Commission

Received, Filed and Printed.

January 25, 2006

Mr. Kevin Kelley, Clerk
Erie County Legislature
92 Franklin Street

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

Buffalo, New York 14202

Dear Mr. Kelley:

I am writing to advise you that I am designation Cynthia A. Schwartz, 833 Auburn Avenue, Buffalo, New York to be my representative on the Erie County Charter Revision Commission. This is necessary due to Kenneth Kruly's resignation from the Commission.

I am very grateful for Mr. Kruly's willingness to serve on the Charter Revision Commission. His ideas and institutional knowledge of County finances have been invaluable to the Commission.

I am very confident, however, that Ms. Schwartz's background, experience and commitment to our community will be an excellent addition to the Erie County Charter Revision Commission as it completes its extremely important mission. I have enclosed a copy of her resume for your review.

Sincerely,

DAVID J. SWARTS
Erie County Clerk

Cc: George Arthur
Honorable Lynn Marinelli
Cynthia Schwartz
Kenneth Kruly

FROM LEGISLATOR WEINSTEIN

Item 61 – (COMM. 3E-21) Minority Appointment of its Non-Voting Representative to the ECMCC Board of Directors

Received, Filed and Printed.

January 27, 2006

Jody Lomeo
Chairman, Board of Directors
Erie County Medical Center Board of Directors
462 Grider Street
Buffalo, New York 14215

RE: Majority Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation Board of Directors

Dear Chairman Lomeo:

Pursuant to Section 3628 (2) of Article 10-C, Title 6 of the N.Y. Public Authorities Law, which created the Erie County Medical Center Corporation, the Minority Caucus of the Erie

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

County Legislature wishes to notify you of its appointment of a Non-Voting Representative to Erie County Medical Center Corporation Board of Directors:

APPOINTEE

Ronald P. Bennett
 2 N. Main Street
 Holland, NY 14080

TERM

One (1) Year

Therefore, we would ask that this letter be received, filed and printed by the Erie County Legislature to allow Mr. Bennett to begin his service on the Erie County Medical Center Corporation Board of Directors.

Sincerely,

Barry A. Weinstein, M.D.
 Minority Leader
 Legislator, 15th District

Cc: Erie County Legislature
 Joel A. Giambra, Erie County Executive
 Michael Young, Chief Executive Officer, ECMCC

FROM LEGISLATOR MARINELLI

Item 62 – (COMM. 3E-22) Majority Appointment of its Non-Voting Representative to the ECMCC Board of Directors

Received, Filed and Printed.

January 27, 2006

Jody Lomeo
 Chairman, Board of Directors
 Erie County Medical Center Board of Directors
 462 Grider Street
 Buffalo, New York 14215

RE: Majority Appointment of its Non-Voting Representative to the Erie County Medical Center Corporation Board of Directors

Dear Chairman Lomeo:

Pursuant to Section 3628 (2) of Article 10-C, Title 6 of the N.Y. Public Authorities Law, which created the Erie County Medical Center Corporation, the Majority Caucus of the Erie County Legislature wishes to notify you of its appointment of a Non-Voting Representative to Erie County Medical Center Corporation Board of Directors:

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FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

APPOINTEE

Michael Mullins
 4336 Coventry Green Circle
 Williamsville, NY 14221

TERM

One (1) Year

Therefore, we would ask that this letter be received, filed and printed by the Erie County Legislature to allow Mr. Mullins to begin his service on the Erie County Medical Center Corporation Board of Directors.

Sincerely,

Lynn M. Marinelli
 Chairperson

Cc: Erie County Legislature
 Joel A. Giambra, Erie County Executive
 Michael Young, Chief Executive Officer, ECMCC

FROM THE SHERIFF

Item 63 – (COMM. 3E-23) Erie County Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BECPL

Item 64 – (COMM. 3D-1) Proposed Agenda to Board of Trustees Meeting held 1/19/2006

Received and filed.

FROM THE COUNTY ATTORNEY

Item 65 – (COMM. 3D-2) Erie County Sheriff's PBA vs. Erie County Sheriff & County of
 Erie

Received and filed.

FROM THE OFFICE OF THE COMPTROLLER

Item 66 – (COMM. 3D-3) Suggested Resolution for Erie County Audit Services

Received and filed.

FROM THE COMMUNITY COLLEGE

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

Item 67 – (COMM. 3D-4) Agenda for Board of Trustees Meeting Held 1/25/06

Received and filed.

FROM THE BOARD OF ELECTIONS

Item 68 – (COMM. 3D-5) HAVA Requirements: Election Inspector Compensation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMUNITY COLLEGE

Item 69 – (COMM. 3D-6) Minutes of Monthly Meeting Board of Trustees held 12/14/05

Received and filed.

FROM PERSONNEL

Item 70 – (COMM. 3D-7) Notice of Cancellation of Civil Service Exam

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 71 – (COMM. 3D-8) Copy of Letter to Comptroller Re: Board of Elections Audit

Received and filed.

FROM THE BOARD OF ELECTIONS

Item 72 – (COMM. 3D-9) HAVA Requirements

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 73 – MS. WHYTE presented the following resolution and moved for consideration.
MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

RE: Legislature District Offices (COMM. 3D-10)

January 30, 2006

Erie County Legislature

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

92 Franklin Street
 Buffalo, New York 14202

Dear Legislators:

In the event that today's eleven o'clock (11:00 a.m.) deadline passes before Legislators have an opportunity to have their district office leases clocked-in, please be advised that this letter may be used as a vehicle to amend at the regular session scheduled for Thursday, January 5, 2006.

Thank You.

Sincerely,

Kevin M. Kelley
 Clerk of the Legislature

MS. WHYTE moved to amend the item. MR. MAZUR seconded. MS. MARINELLI abstained.

CARRIED (13-0-1).

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with David Galbo. located at 1701 Hertel Ave. in Buffao, New York for Legislative Office Space for Lynn Marinelli at a monthly rate of \$650.00.

MS. WHYTE moved for the approval of the item as amended. MR. MAZUR seconded. MS. MARINELLI abstained.

CARRIED. (13-0-1)

FROM PERSONNEL

Item 74 – (COMM. 3D-11) Hires/Separations November & December 2005

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM KENNETH C. KRULY

Item 75 – (COMM. 3M-1) Resignation from Erie County Charter Revision Commission

Received, Filed and Printed.

January 26, 2006

Mr. Kevin M. Kelley

MEETING NO. 3
FEBRUARY 2, 2006

ERIE COUNTY LEGISLATURE

Clerk
Erie County Legislature
92 Franklin St.
Buffalo, New York 14202

Dear Mr. Kelley:

Please be advised that I am resigning my appointment as a member of the Erie County Charter Revision Commission effective today. I have been appointed as a member of the Erie County Fiscal Stability Authority.

With the leadership of George Arthur and the active participation of the commissioners, I believe that the Commission is off to a great start. I am well aware that much work remains to be done, but I fully expect the Commission's recommendations to contribute to the reform of County government.

I look forward to working with Commission members as their work goes forward, particularly concerning financial matters.

Finally I wish to thank Commission members for their help to me in my part of the project. Thanks also to the legislative staff, especially John Davis, who has been of great assistance.

Sincerely,

Kenneth C. Kruly

Cc: Erie County Clerk David J. Swarts
George K. Arthur

FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP

Item 76 – (COMM. 3M-2) Agenda for ENRPA Meeting Held 1/27/06

Received and filed.

FROM THE TOWN OF HOLLAND

Item 77 – (COMM. 3M-3) Certified Resolution Re: Support for Public Hearing to Eliminate 190 Toll Booth

Received and filed.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 78 – (COMM. 3M-4) Membership to Fish & Wildlife Management Board

Received and filed.

FROM THE ECFSA

Item 79 – (COMM. 3M-5) Resolution Accepting the FY 2006 Budget and Modified Four-Year Plan for FY2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 80 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Coretta Scott King.

Item 81 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Judge J. Douglas Trost.

ADJOURNMENT

Item 82 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, February 16, 2006 at 2 p.m. Eastern Standard Time. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 16, 2006 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**