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COUNTY OF ERIE

LOCAL LAW NO. 1-1986

LOCAL LAW INTRO. NO. 4 (Print #3)

1986

A LOCAL LAW amending Erie County Local Law No. 1-1959, as amended, constituting the Erie County Charter, by repealing Article XI-C thereof, as added by Erie County Local Law No. 5-1972; by repealing Sections 902(h), 904 and 905 thereof, as added by Erie County Local Law No. 3-1978; and by adding a new Article XI-C thereto, in relation to the establishment of a Department of Emergency Services; and amending Erie County Local Law No. 1-1960, as amended, constituting the Erie County Administrative Code, by repealing Article 11-C thereof, as added by Erie County Local Law No. 4-1972; by repealing Sections 9.01-4 and 9.07 thereof, as added by Erie County Local Law No. 4-1978; and by adding a new Article 11-C thereto, in relation to the operation of a Department of Emergency Services.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, AS FOLLOWS:

Section 1. Erie County Local Law No. 5-1972, which amended Erie County Local Law No. 1-1959, constituting the Erie County Charter, by adding Article XI-C thereto, is hereby repealed.

Section 2. Erie County Local Law No. 3-1978, which amended Erie County Local Law No. 1-1959, constituting

the Erie County Charter, by adding Sections 902(h), 904 and 905 thereto, is hereby repealed.

Section 3. Erie County Local Law No. 1-1959, as amended, constituting the Erie County Charter, is hereby amended by adding a new Article XI-C thereto, to read as follows:

ARTICLE XI-C

DEPARTMENT OF EMERGENCY SERVICES

- Section 11-C-01. Department established; commissioner of emergency services.
- Section 11-C-02. Powers and duties.
- Section 11-C-03. Advisory Boards.

Section 11-C-01. Department established; commissioner of emergency services. There shall be a department of emergency services, the head of which shall be the commissioner of emergency services. He shall be appointed by the county executive, subject to confirmation by the county legislature to serve at the pleasure of the county executive.

Section 11-C-02. Powers and duties. The commissioner of emergency services shall:

a. have all the powers and perform all the duties conferred or imposed upon county directors of emergency medical services by the laws of the state of New York.

b. plan, develop and coordinate, to the extent authorized by law or agreement, the implementation of protocols and procedures for, and the provision of, emergency medical services within the county of Erie, including, but not limited to: training and certification of persons as emergency medical technicians at one or more levels of service; communications services, including medical telemetry and control, between hospitals and ambulances by medical emergency radio system; ambulance dispatching, inspection and certification.

c. have all the powers and perform all the duties conferred or imposed upon county fire coordinators by the laws of the state of New York.

d. have all the powers and execute the duties of the county executive in his capacity as the county's local director of civil defense under the New York State Defense Emergency Act, being chapter seven hundred and eighty-four of the laws of nineteen hundred and fifty-one, as amended.

e. develop, make public and regularly amend a county disaster preparedness plan, in accordance with Article 2-B of the Executive Law, for the coordination of emergency services in the event of natural or other disaster or emergency.

f. coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event of the declaration by the county executive of a state of emergency or disaster within the county or in the event such assistance is requested by the chief executive of any city, town or village within the county.

g. originate, coordinate and promote programs with respect to fire safety, emergency medical services and disaster preparedness within the county.

h. perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 11-C-03. Advisory Boards. The county executive shall appoint the following three advisory boards, which shall advise on matters relating to emergency medical services, fire safety, and civil defense/disaster

preparedness, respectively, either at the request of the commissioner or upon their own initiative:

- a. Emergency Medical Services Advisory Board.
- b. Fire Advisory Board.
- c. Civil Defense/Disaster Preparedness Advisory Board.

Section 4. Erie County Local Law No. 4-1972, which amended Erie County Local Law No. 1-1960, constituting the Erie County Administrative Code, by adding Article 11-C thereto, is hereby repealed.

Section 5. Erie County Local Law No. 4-1978, which amended Erie County Local Law No. 1-1960, constituting the Erie County Administrative Code, by adding Sections 9.01-4 and 9.07 thereto, is hereby repealed.

Section 6. Erie County Local Law No. 1-1960, as amended, constituting the Erie County Administrative Code, is hereby amended by adding a new Article 11-C thereto, to read as follows:

ARTICLE 11-C

DEPARTMENT OF EMERGENCY SERVICES

Section 11-C.01 Organization

Section 11-C.02 Powers and duties of commissioner

of emergency services

Section 11-C.03 Division of emergency medical services

Section 11-C.04 Division of fire safety

Section 11-C.05 Division of civil defense/disaster preparedness

Section 11-C.06 Absence, disability or vacancy

Section 11-C.07 Advisory boards

Section 11-C.01 Organization. The department of emergency services shall be headed by a commissioner who shall organize the department, under the supervision of the county executive, into:

1. a division of emergency medical services;
2. a division of fire safety;
3. a division of civil defense/disaster preparedness

Section 11-C.02 Powers and duties of commissioner of emergency services. The commissioner of emergency services shall have and exercise all the powers and duties granted or imposed by the laws of the state of New York upon a county director of emergency medical services, a county fire coordinator, a county director of civil defense and a county director of disaster preparedness and all the powers and duties heretofore or hereafter lawfully granted or

imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.03      Division of emergency medical services. The division of emergency medical services shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of emergency medical services shall, when so directed by the commissioner, have and exercise any or all of the powers and duties vested in and imposed upon a county director of emergency medical services by the laws of the state of New York and any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.04      Division of fire safety. The division of fire safety shall be headed by a deputy

commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of fire safety shall, when so directed by the commissioner, have and exercise any or all of the powers and duties vested in and imposed upon a county fire coordinator by the laws of the state of New York and any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.05      Division of civil defense/disaster preparedness. The division of civil defense/disaster preparedness shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of civil defense/disaster preparedness shall, when so directed by the commissioner: have and exercise any or all of the powers and duties vested in and imposed upon a local director of civil defense under the New York State Defense Emergency Act; develop, make public and regularly amend a



county disaster preparedness plan, in accordance with Article 2-B of the Executive Law, for the coordination of emergency services in the event of natural or other disaster or emergency; coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event of the declaration by the county executive of a state of emergency or disaster within the county or in the event such assistance is requested by the chief executive of any city, town or village within the county; have and exercise any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 11-C.06      Absence, disability or vacancy.  
The commissioner shall designate in a writing filed in the office of the Erie county clerk the relative rank of the deputy commissioners, including: the order in which each is to temporarily succeed to the duties of the commissioner during his absence or disability or in the event of a vacancy in such office, and; the order in which each deputy commissioner is to temporarily succeed to the duties of any

other deputy commissioner during the absence or disability, or in the event of a vacancy in the office, of such other deputy commissioner.

Section 11-C.07      Advisory Boards.    The County Executive shall appoint the following Advisory Boards:

a.    Emergency Medical Services Advisory Board:    This board shall be composed of no fewer than fifteen and no more than twenty-five members appointed by the county executive for two-year terms. One-third of the members shall be active members of volunteer fire companies operating rescue squads or ambulance services and the remaining membership shall be elected officials or their representatives, representatives of ambulance services, hospitals, fire department emergency and rescue squads, public health officers and other agencies, organizations or citizens involved in the planning or provision of emergency medical services. The county executive shall designate one of the members to serve as chairman. It will be the duty of such board to cooperate with the state health department's bureau of emergency medical services in effectuating the purposes for which the bureau was established in relation to programs for emergency medical services; to act as an advisory board to the county executive, the county legislature, the commissioner of

emergency services and the deputy commissioner of emergency medical services in connection with county establishment and maintenance of a county emergency medical services and mutual aid program for medical and other emergencies in which the services of emergency medical personnel would be used; to perform such other duties as the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of emergency medical services may prescribe in relation to emergency medical training and mutual aid for medical and other emergencies in which the services of emergency medical personnel would be used. Members of such board shall be county officers and shall serve without compensation.

b. Fire Advisory Board: This board shall be composed of twenty-one members appointed by the county executive for two year terms. At least one-third of the members shall be active members of volunteer fire companies. It shall be the duty of such board to cooperate with the state office of fire prevention and control in effectuating the purposes for which the office was established in relation to programs for fire training and mutual aid; to act as an advisory body to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of fire safety in connection with county participation in

programs for fire training and mutual aid, county establishment and maintenance of a county fire training school and mutual aid programs for fire and other emergencies in which the services of firemen would be used; and to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of fire safety may prescribe in relation to fire training and mutual aid for fire and other emergencies in which the services of firemen would be used. The members of such board shall be county officers and shall serve without compensation. The terms of the office of the incumbent members of the fire advisory board shall continue for the periods for which such members shall have been appointed.

c. Civil Defense/Disaster Preparedness Advisory Board: This board shall be composed of no fewer than fifteen and no more than twenty-five members who shall be appointed by the county executive for two-year terms. One-third of the members shall be active members of volunteer fire companies and the remainder shall be elected officials or their representatives, representatives of organizations involved in civil defense and disaster preparedness and other citizens of the county. The commissioner of environment and planning, the sheriff, the

commissioner of public works and the commissioner of health shall be ex officio members. The county executive shall designate one of the members to serve as chairman. It shall be the duty of such board to cooperate with the state civil defense commission and the state natural disasters commission in effectuating the purposes for which the commissions were established in relation to programs for civil defense and disaster preparedness; to act as an advisory board to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of civil defense/disaster preparedness in connection with county participation in programs for civil defense and disaster preparedness, county establishment and maintenance of county civil defense and disaster preparedness plans and programs for natural or other disasters or emergencies in which the services of civil defense forces or emergency personnel would be used; to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of civil defense/disaster preparedness may prescribe in relation to civil defense and disaster preparedness programs for natural or other disasters or emergencies in which the services of emergency personnel would be used. The members of such board shall be county officers and shall serve without compensation.

The chairmen of the emergency medical services advisory board, the fire advisory board and the civil defense/disaster preparedness advisory board shall each designate a member of their respective advisory boards, or themselves, to form a four member steering committee to act as a liaison between the county executive, the county legislature and the commissioner of emergency services relative to the coordination and development of plans and programs for emergency medical services, fire safety, civil defense and disaster preparedness purposes. The fourth member of the steering committee shall be appointed by the county executive and shall serve as the chairman thereof.

Section 7. This local law shall become effective immediately.

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EDWARD J. KUWIK

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LEONARD R. LENIHAN

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THOMAS M. REYNOLDS

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RICHARD A. SLISZ

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