

**ERIE COUNTY LEGISLATURE
MEETING NO. 4
FEBRUARY 17, 2022**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Ms. Vinal, who offered a prayer.

The Pledge of Allegiance was led by Mr. Todaro.

Item 1 – MR. MEYERS moved to take the Rules of the Legislature for 2022 from the table. MS. VINAL seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

MR. MEYERS moved for approval of the Rules of the Legislature for 2022. MR. JOHNSON seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

RESOLUTION NO. 18

**202[1]2
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIR

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the

entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

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

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chair to preside over such committee;
7. To name an open meetings advisor from among the legislators or legislative staff to advise the body on compliance with New York State Open Meetings and Freedom of Information laws and to name a Freedom of Information Law officer and a Freedom of Information Law Appeals Officer;
8. To order that a public hearing be held. Public Hearings shall be conducted a minimum of five (5) days before a related item can be considered by the Legislature unless otherwise prescribed by law. Said hearings shall be held no earlier than 6:00 pm on weekdays. However, ministerial Public Hearings involving departments of county government, such as those conducted for Sewerage Management and Public Works items, may be held during regular business hours. The Chair shall further ensure that notice of the time and date of each public hearing be posted on the Legislature's website not more than twenty-four (24) hours from the filing of the public notice.
9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such

literature shall be mailed at or delivered to any postal facility by such members during the period of forty five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.06 of these rules;

12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
13. To cancel Public Hearings for which the underlying item has been withdrawn;
14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two caucuses which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. A caucus shall be defined as a group of members or adherents of the same political party. The leader of the caucus whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other caucus shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

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

1.03 ACTING CHAIR:

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

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

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

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

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

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile transmission, by e-mail, 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, or e-mail of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number or County assigned e-mail address 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 or e-mail 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 or e-mails 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.

During the State of Emergency involving COVID-19, a legislator or legislators affected by COVID-19 who cannot physically be present in the Legislative Chambers for a legislative session or legislative committee may, through advance written notice filed with the Clerk of the Legislature, participate in a legislative session or legislative committee via video or audio conferencing.

During the State of Emergency involving COVID-19, and pursuant to a written letter submitted by the Chair of the Legislature directing so, the Legislature may convene and meet in legislative sessions or committees via video or audio conferencing, so long as the public may watch/listen to such sessions or committees.

2.04 CHAIR TO SECURE A QUORUM:

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

2.05 ROLL CALL, MINUTES, ABSENCES:

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

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions. Each legislator shall be entitled to four (4) annual presentations including "Citizen of the Month", with no regular session having more than two (2) presentations. Selection of presentations shall be determined by the order in which requests are filed with the Clerk of the Legislature;
4. The consideration of Communications, Local Laws and Resolutions on the Table of the 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 Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

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

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion.

The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIR'S RULING:

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

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

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

2.09 PRIVILEGE OF THE FLOOR:

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

2.10 REFERRALS TO COMMITTEE:

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

be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

During regular meetings, the Chair has the floor for all agenda assignments, yet may yield the floor at his or her discretion. As the Chair assigns any item submitted to the Legislature to the appropriate committee, including legislator resolutions or any other open item requested for immediate consideration, or makes any other change to the assignment of agenda items, no debate or discussion shall be in order. Agenda assignments or changes can be appealed as per Section 2.08 above. This section is augmented by Sections 2.06 and 2.13 herein.

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

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

2.12 TIE VOTE:

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

2.13 PRIORITY OF BUSINESS:

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

2.14 LIMITATION ON TIME OF SPEECH:

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

However, all members shall be given an opportunity to explain their vote during a recording of ayes and noes pursuant to Rule 2.18 of this section.

During any debate occurring on the floor of the Legislature the lead sponsor, or his or her designee, in debate may be directly addressed with questions specifically relating to the item in front of the Legislature. Direct questions shall count as one of the two opportunities to speak and the member asking questions will be afforded the entirety of their time. All questions must be confined to the limitations otherwise imposed in this Rule.

The response from the lead sponsor, or his or her designee, must be related to the question asked and may be reasonably limited at the discretion of the Chair of the Legislature. For the purposes of this Rule the lead sponsor shall be the member whose name is listed first on the item at debate. The lead sponsor's responses shall not count against his or her time allowances afforded under this section.

This rule does not apply to the vote explanation allowed pursuant to 2.18, no questions are allowed during that time.

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 5.04.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

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

2.17 RECORDING OF VOTE:

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

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Every member is entitled one (1) minute to explain their vote during the roll call or voice vote. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

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

2.20 VOTE ON DISTINCT PROPOSITION:

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

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 2- 2018, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIR:

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

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

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

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

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

2.24 PRESENTATION OF MOTION:

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

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;

5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

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

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order.

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 at the next Legislative Session.

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 Chair may name a member to preside.

2.31 COMMITTEE OF THE WHOLE- NO QUORUM; ADJOURNMENT:

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

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports, amendments, and items discharged from a committee thereof, shall be in writing. Legislators requesting a discharge from a committee must present a paper copy of the item on the floor for the discharge.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communication of whatever nature shall be submitted to the Clerk of the Legislature before 10:00 a.m., two (2) business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

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

An agenda of all matters before the Legislature shall be prepared by the Clerk of the Legislature, who shall determine the particular order of agenda items in keeping with Section 2.06.

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 nonelected 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
 - If the proposal is creating new, or extending existing, county personnel, include the:
 - Annualized salary required of the position(s)
 - Pro-rated salary required for the remainder of the current fiscal year
 - Funding source(s) to be utilized to cover the costs. If the proposed funding source is a grant, include:
 - Grant source (federal, state, charitable, etc.)
 - Grant duration
 - Grant funding remaining after creation of the new position(s)
 - A contingency plan should the existing grant be discontinued
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
 - If the proposal creates a new position, or extends an existing position, include an:
 - Affirmation as to whether the duties required of the position are required by law or contract
 - Affirmation as to whether the position is managerial confidential or Competitive Civil Service
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

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

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

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

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

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

3.02 STANDING AND SPECIAL COMMITTEES:

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

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

STANDING COMMITTEES

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

SPECIAL COMMITTEES

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

3.03 CHAIR EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon.

The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

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

3.05(1) CONDUCT OF COMMITTEES:

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

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

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

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

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

3.05(4) COMMITTEE AGENDA:

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

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration, subject to conditions provided in Section 5.04.

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 Finance and Management/Budget 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 twenty (20) copies of the tentative budget to the Legislature. The Finance

and Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance and Management/Budget Committee shall present such tentative budget to the Finance and Management/Budget Committee for its consideration. The Finance and 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 and Management/Budget Committee shall submit the tentative budget, with such amendments or changes therein as the committee may determine, together with its report thereon, to the Legislature not later than the sixth of December in each year. The report of the Finance and 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 2508 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 2508 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 sixth 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 shall be the next order of business.

Any amendments to the Finance and Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2508, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

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

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

5.02 PURCHASE OVER \$10,000.00:

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

5.03 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.

5.04 REDUCTION OF AGENDA:

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

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

5.05 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.

5.06 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
3. 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 and/or General Election.
4. The above policy shall be reviewed periodically and wherever possible, electronic notification and communication shall be used. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.07 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 nondisruptive manner.

5.08(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.

5.08(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.

5.08(3) FLOOR MOVEMENT:

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

5.08(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.

5.08(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.

5.08(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.

5.08(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.

5.08(8) DRESS DECORUM:

Denim of any form is prohibited from attire of any member of the Legislature or staff in the Legislative Chambers during any event involving formal business of the county including, but not limited to, sessions, committee meetings, public hearings, and informational hearings.

5.08(9) ELECTRONIC DEVICES

All electronic devices shall be maintained on silent or vibrate mode and any disruption caused by a personal electronic device shall be grounds for removal under section 5.08(11).

5.08(10) OATH OR AFFIRMATION:

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

The Chair in charge of the meeting will ask the speaker, "Do you swear that what you are about to present is, to the best of your knowledge, both true and correct?"

Speaker must answer in the affirmative or leave the floor until such a time as they are able to make the oath in the affirmative. If the speaker is unable to answer in the affirmative, a vote of the majority of the committee or the Legislature as a whole shall be taken as to whether to allow him or her access to the floor.

5.08(11) VIOLATIONS:

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

5.09 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. Any additions to the Rules of Order shall be underlined and deletions shall be bracketed [] or marked-up using the Track Changes function in Microsoft Word.

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 items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 3 from 2022. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. GREENE presented a proclamation Celebrating Top's Markets on National Supermarket Employee Day.

Item 6 – MR. GREENE presented a proclamation Celebrating Pixley's Shur Fine Food Mart on National Supermarket Employee Day.

Item 7 – MR. GREENE presented a proclamation Celebrating Dash's Markets on National Supermarket Employee Day.

Item 8 – MR. GREENE presented a proclamation Honoring and Congratulating Detective Lieutenant Daniel J. McCollum on His Retirement.

Item 9 – MR. GREENE presented a proclamation Recognizing and Honoring Albert Cheavacci for 60 Years of Service.

Item 10 – MR. GREENE presented a proclamation Recognizing and Honoring Kenneth Pagels for 50 Years of Service.

Item 11 – MR. LORIGO presented a proclamation Celebrating Josephine Bongiovanni-Simnar Upon the Occasion of Her 100th Birthday.

Item 12 – MR. LORIGO presented a proclamation Celebrating Chuck Schmidt for 50 Years at West Herr Automotive.

Item 13 – MR. LORIGO presented a proclamation Honoring Marisa Fallacaro-Dougherty for Winning the 2022 Section VI Award.

Item 14 – MR. LORIGO presented a proclamation Honoring Reverend Langdon Hubbard on 20 Years with First Presbyterian Church of East Aurora.

Item 15 – MR. TODARO presented a proclamation Congratulating Anthony Annunziato Upon the Occasion of His Retirement.

Item 16 – MR. TODARO presented a proclamation Honoring Officer Ron Rozler Upon the Occasion of His Retirement from the Lancaster Police Department.

Item 17 – MR. TODARO presented a proclamation Honoring Just Holster It as a 2022 Alden Chamber of Commerce Next Level Grant Award Winner.

Item 18 – MR. MILLS presented a proclamation Honoring Chief of Police, E. Joseph Wehrfritz, Upon the Occasion of His Retirement.

Item 19 – MR. MILLS presented a proclamation Honoring the Art's Cafe for Receiving the Outstanding Design Award.

Item 20 – MR. MILLS presented a proclamation Honoring Lulu Belle's Boutique for Ten Years of Business.

Item 21 – MR. MILLS presented a proclamation Honoring The Grange Outpost Upon the Occasion of Its Grand Opening.

Item 22 – MR. TODARO presented a proclamation Honoring Hansiel Moody's Service and Dedication to Our Country and the Community.

Item 23 – CHAIR BASKIN presented a proclamation Celebrating Mr. Paul Woods Upon the Occasion of His 99th Birthday.

Item 24 – MR. MEYERS & MR. GILMOUR presented a proclamation Honoring & Recognizing National Boy Scouts Day.

Item 25 – MS. CHIMERA presented a proclamation Recognizing National Organ Donor Day.

Item 26 – MR. GILMOUR presented a proclamation Congratulating Patrick Cauley on Being Named the Section IV Athletic Director of the Year.

MR. MEYERS moved for consideration of the above twenty-two items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-two items by adding one for Chair Baskin, one for Mr. Meyers, one for Ms. Chimera, one for Mr. Gilmour, and by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-six items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

None.

COMMITTEE REPORTS

Item 27 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

February 10, 2022	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1M-1 (2022)
CLAUDIA A. KOLBE-HAWTHORNE: “Letter to Legislature Concerning EC Property Tax Exemptions”
(Chair’s Ruling)
 - b. COMM. 3E-27 (2022)
COMPTROLLER: “Sales Tax Receipt for 11/2021”
(Chair’s Ruling)
 - c. COMM. 3D-3 (2022)
CLERK OF LEGISLATURE: “Notification Concerning Reporting Requirements for Organizations & Departments as Outlined in the 2022 Budget Resolutions”
(Chair’s Ruling)
 - d. COMM. 3M-1 (2022)
ASSIGNED COUNSEL PROGRAM: “Financial Report & Cash Basis for Period 7/1/21 - 12/31/21”
(Chair’s Ruling)
2. COMM. 3E-10 (2022)
COUNTY EXECUTIVE
WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$1,455,129 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID7ILS1719 in the County Attorney's Office to December 31, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

3. COMM. 3E-11 (2022)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$2,910,255 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID8ILS1820 in the County Attorney's Office to December 31, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

4. COMM. 3E-12 (2022)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$1,455,129 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID9ILS1921 in the County Attorney's Office to December 31, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

5. COMM. 3E-13 (2022)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three-year grant totaling \$2,910,255 to the County for the provision of indigent defense services; and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$2,910,255 over three years from January 1, 2021 to December 31, 2023 to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three-year subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services from January 1, 2021 to December 31, 2023; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
ILS Quality Improvement D11 Grant
Grant Fund 281 160QID11ILS2123
January 1, 2021 to December 31, 2023

Revenue	Increase
Account 409000 - State Aid Revenue	\$2,910,255
Appropriation	Increase
Account 516601 - Legal Aid Bureau	\$1,455,129

Account 516602 - EC Bar Association	<u>1,455,126</u>
Total Appropriation	\$2,910,255

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

**TIMOTHY J. MEYERS
CHAIR**

Item 28 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

February 10, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-11 (2022)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 2E-12 (2022)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 2E-13 (2022)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - d. COMM. 3E-14 (2022)
COUNTY EXECUTIVE: “ECSD No. 8 - Engineering Term Contract Agreement - LaB-5”

(Chair's Ruling)

- e. COMM. 3E-15 (2022)
COUNTY EXECUTIVE: "ECSD No. 8 - Engineering Term Contract Agreement - LaB-4"
(Chair's Ruling)
 - f. COMM. 3E-16 (2022)
COUNTY EXECUTIVE: "ECSD No. 6 - Change Order"
(Chair's Ruling)
 - g. COMM. 3E-18 (2022)
COUNTY EXECUTIVE: "ECSD No. 8 - Work Order"
(Chair's Ruling)
 - h. COMM. 3E-19 (2022)
COUNTY EXECUTIVE: "ECSD No. 6 - Work Order"
(Chair's Ruling)
 - i. COMM. 3M-2 (2022)
NYSDEC: "Public Notice - Program Application for 2122 Colvin Blvd., Town of Tonawanda"
(Chair's Ruling)
 - j. COMM. 3M-4 (2022)
ECWA: "Detailed Financial Report for Years Ended 12/31/2020 & 2021"
(Chair's Ruling)
2. COMM. 25E-3 (2021)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the East Aurora Water Resource Recovery Facility (WRRF) Control Building Improvements Project, Contract Nos. 21-A, 21-B, 21-C, and 21-D at 11:00 a.m. on January 13, 2022:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 21-A General	Willet Builders, Inc. 180 Genesee Street Corfu, New York 14036	\$378,000.00
Contract 21-B HVAC	Greater Niagara Mechanical, Inc. 7311 Ward Road North Tonawanda, New York 14120	\$286,600.00
Contract 21-C Plumbing	Willet Builders, Inc. 180 Genesee Street Corfu, New York 14036	\$88,900.00

Contract 21-D Electrical	Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, New York 14150	\$223,000.00
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and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed similar projects in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the East Aurora WRRF Control Building Improvements Project, Erie County Sewer District No. 8, Contract Nos. 21-A, 21-B, 21-C, and 21-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 21-A General	Willet Builders, Inc. 180 Genesee Street Corfu, New York 14036	\$378,000.00
Contract 21-B HVAC	Greater Niagara Mechanical, Inc. 7311 Ward Road North Tonawanda, New York 14120	\$286,600.00
Contract 21-C Plumbing	Willet Builders, Inc. 180 Genesee Street Corfu, New York 14036	\$88,900.00
Contract 21-D Electrical	Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, New York 14150	\$223,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$976,500 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract Nos. 21-A, 21-B, 21-C, and 21-D; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the Capital Account and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

3. COMM. 25E-4 (2021)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 68 at 1:00 p.m. on January 13, 2022:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 68	Quackenbush Co., Inc. 495 Kennedy Road Buffalo, NY 14227	\$769,000.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Incinerator Tray Scrubber Replacement and Crane Installation Project, Erie County Sewer District No. 3, Contract No. 68 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 68	Quackenbush Co., Inc. 495 Kennedy Road Buffalo, NY 14227	\$769,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$769,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 68; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the Capital Account and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

4. COMM. 3E-17 (2022)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 17E-8 (2020), Contract 64-A was awarded to The State Group Industrial (USA) Limited to construct the Holland WRRF Generator Replacement project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No.64-A, in the final contract amount of \$159,962.00 which includes Change Order No. 1 (Final) a decrease of (\$26,038.00) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 64-A between the County of Erie and The State Group Industrial (USA) Limited, (100 Stradtman Street, Buffalo, NY 14206) is accepted in the final contract amount of \$159,962.00 which includes Change Order No. 1 (final), a decrease of (\$26,038.00); and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 64-A, to The State Group Industrial (USA) Limited for a total contract amount of \$159,962.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

**TIMOTHY J. MEYERS
CHAIR**

Item 29 – MR. BARGNESI presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

February 10, 2022	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS BARGNESI & GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received, filed and printed.
 - a. COMM. 3E-28 (2022)
MILLS: “Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization”
(Chair’s Ruling)

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government. I have many relatives with whom I have lost contact; however, to the best of my knowledge, there are no members of my family, as defined by Section 5(c) of the Code of Ethics, presently employed by any government entity.

If there are any other questions, please feel free to contact Chief of Staff to the Minority Caucus, Bryan Fiume

Sincerely,

John J. Mills
Erie County Legislator

- b. COMM. 3E-29 (2022)
LORIGO: "Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization"
(Chair's Ruling)

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My brother-in-law, Shane Good, works at the Erie County Water Authority; and
- My cousin, Garrett Grieser, works for State Supreme Court Justice Daniel Furlong.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

Joseph C. Lorigo
Erie County Legislator

- c. COMM. 3E-30 (2022)
GREENE: "Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization"
(Chair's Ruling)

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My wife, Kathryn, is an educator at the Clarence Central Schools;
- My cousin, Lisa Venuto, is a physician assistant practicing at the Erie County Medical Center; and
- My aunt, Ann Venuto, is a member of the Erie County Corrections Specialist Advisory Board.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

Christopher D. Greene
Erie County Legislator

- d. COMM. 3E-31 (2022)
TODARO: "Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization"
(Chair's Ruling)

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My wife's first cousin, Kelly Mercado, is a Sheriff's deputy at the Erie County Holding Center;
- My brother-in-law, Neil Eckert, is a Sheriff's reserve officer; and

- My father’s cousin’s husband, Charlie Morreale, is employed at the Buffalo Municipal Housing Authority.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

Frank J. Todaro
Erie County Legislator

**LISA M. CHIMERA
ACTING CHAIR**

Item 30 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

February 10, 2022	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 24E-7 (2021)
COUNTY EXECUTIVE: “Re-Appointment to the Buffalo & Erie County Public Library Board of Directors”
(Chair’s Ruling)
2. COMM. 3E-4 (2022)
COUNTY EXECUTIVE AS AMENDED
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Christopher Sasiadek, Esq. to the Buffalo and Erie County Public Library Board of Directors for a term ending December 31, 2026.
(5-0)
3. COMM. 3E-21 (2022)
COUNTY EXECUTIVE

WHEREAS, in the amended and adopted 2021 Erie County Budget, the Legislature appropriated \$94,000 in funding to the Research Foundation for SUNY/Buffalo State on behalf of Buffalo Niagara Film Commission to provide various public benefit services and include additional work for programming efforts; and

WHEREAS, the Research Foundation for SUNY/Buffalo State on Behalf of the Buffalo Niagara Film Commission has not utilized all available 2021 funds, and the organizations desires to continue to perform its work in 2022 using the unutilized 2021 Erie county funds; and

WHEREAS, the Research Foundation for SUNY/Buffalo State on behalf of the Buffalo Niagara Film Commission has requested the continuation of the initiative in 2022 using 2021 funds; and

WHEREAS, the Department of Law has opined that to allow the rollover and use of the 2021 funds and to extend the Research Foundation for SUNY/Buffalo State on Behalf of the Buffalo Niagara Film Commission’s contract, legislative assent via a legislative resolution is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with the Research Foundation for SUNY/Buffalo State on Behalf of the Buffalo Niagara Film Commission for its continued work, and authorizes the amendment of the 2021 contract between the County of Erie and the Research Foundation for SUNY/Buffalo State on behalf of the Buffalo Niagara Film Commission for 2022; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Commissioner of Environment and Planning, Kristen Walder in the Department of Law, the Director of Budget and Management, and Jessica Berg of the Research Foundation for SUNY/Buffalo State on Behalf of the Buffalo Niagara Film Commission.
(5-0)

HOWARD J. JOHNSON, JR.
ACTING CHAIR

Item 31 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

February 10, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 3E-24 (2022)
COUNTY EXECUTIVE

WHEREAS, the existing roof system at Erie County Family Court has significantly deteriorated, and full roof system replacement is warranted to avoid any further damage to the integrity of the building; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Family Court Roof Replacement project on December 20th, 2021; and

WHEREAS, the lowest responsible bidder for the Erie County Family Court Roof Replacement project, in accordance with General Municipal Law, is Elmer W. Davis, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with the Architect of record for the project, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Family Curt Roof Replacement project for an amount not to exceed as follows:

General Construction Work

Elmer W. Davis, Inc.	Base Bid:	\$ 1,424,277
Total Award of Construction Contract:		\$ 1,424,277

and be it further

RESOLVED, that the sum of \$145,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from Fund 410, Funds Center 122, as follows:

A.21104 - DPW (B&G) Roof Replacement and Ext. Waterproofing (Countywide)	\$1,000,000
A.21105 - DPW (B&G) Preservation of County Buildings and Facilities	\$569,277
Total Amount Not to Exceed:	\$1,569,277

and be it further

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

(3-2) Legislators Lorigo & Mills voted in the negative.

2. COMM. 3E-25 (2022)
COUNTY EXECUTIVE

WHEREAS, it is desired to reconstruct Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324), including complete pavement replacement and drainage modification; and

WHEREAS, it is desired to rehabilitate Colvin Boulevard from Eggert Road to the Twin Cities Highway, including concrete pavement repairs of the existing road surface; and

WHEREAS, the total cost of the Design Engineering phase of this Project is \$357,000, and is available in Capital Project B.21150, 2021 Capital Overlay, Fund 420, Funds Center 123; and

WHEREAS, after the County's selection process, the firm of CHA Consulting, Inc., has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the reconstruction of the above noted segment of Kenmore Avenue (CR 189).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Reconstruction of Kenmore Avenue, CAP-189-21Design (the "Project"); and be it further

RESOLVED, that the County Executive be authorized to execute an agreement between the County of Erie and the selected Project Design Engineers, CHA Consulting, Inc., for engineering design services in an amount not to exceed \$357,000, and execute any necessary Change Orders; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Funds Center 123, as follows:

B.21150	2021 Capital Overlay	\$357,000
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and be it further

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

(5-0)

**HOWARD J. JOHNSON, JR.
CHAIR**

Item 32 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

February 10, 2022	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1M-2 (2022)
TOWN OF NEWSTEAD: “Copy of Certified Resolution Regarding EC's COVID-19 Emergency Response Mandates”
(Chair’s Ruling)
 - b. COMM. 1M-10 (2022)
VILLAGE OF AKRON: “Copy of Certified Resolution Regarding EC's COVID-19 Emergency Response Mandates”
(Chair’s Ruling)
 - c. COMM. 1M-12 (2022)
MARILLA: “Copy of Certified Resolution Regarding EC's COVID-19 Emergency Response Mandates”
(Chair’s Ruling)
 - d. COMM. 2D-11 (2022)
DEPUTY COUNTY EXECUTIVE: “Cornell University True Cost of Childcare Study”
(Chair’s Ruling)
 - e. COMM. 2M-2 (2022)
TOWN OF EDEN: “Copy of Certified Resolution Regarding EC's COVID-19 Emergency Response Mandates”
(Chair’s Ruling)
 - f. COMM. 3D-5 (2022)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
2. COMM. 3E-22 (2022)
COUNTY EXECUTIVE

WHEREAS, federal funds are available through the Grants to Enhance Adult Protective Services to Respond to COVID-19 administered by the Administration for Community Living (ACL); and

WHEREAS, the resolution to accept this funding was approved on October 21, 2021 and the reference is COMM. 18E-12 (2021); and

WHEREAS, services are to be provided to Adult Protective Services (APS) Clients to enhance, improve, and expand the ability of APS to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19; and

WHEREAS, Diona (US), Inc. currently provides the Department of Social Services with the Mobile Adult Protective Preventive Services (MAPPS) system; and

WHEREAS, the Department of Social Services wishes to have Diona (US), Inc. provide additional modification to the MAPPS system; and

WHEREAS, the Department of Social Services would like to contract with Diona (US), Inc. in the amount of \$70,000 to provide these additional modifications.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Diona (US), Inc. in the amount of \$70,000 for the provision of services outlined in the grant to provide additional modifications to the MAPPS system; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with Federal funding allocation adjustments; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(5-0)

3. COMM. 3E-26 (2022)
COUNTY EXECUTIVE

WHEREAS, funds are available in the training contract with The Research Foundation; and

WHEREAS, Denise Krause and Susan A. Green currently provide these services through the contract with The Research Foundation; and

WHEREAS, the State University system has stated that these individuals cannot be compensated as both employees and contractors; and

WHEREAS, the Department of Social Services wishes to have Denise Krause and Susan A. Green continue training staff in SFTIC practices and consulting with Executive and Senior Management; and

WHEREAS, due to the circumstances we would like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into these contracts for SFTIC training and consulting; and

WHEREAS, an RFP will be issued in 2022 for these services to be provided in 2023; and

WHEREAS, the Department of Social Services would like to contract with Denise Krause and Susan A. Green in the amount of \$10,000 each to provide SFTIC training and consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contracts with Denise Krause and Susan A. Green in the amount of \$10,000 each for the continuation of training and consulting in SFTIC practices; and be it further

RESOLVED, that the funding will come from the current contract with The Research Foundation; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(5-0)

**LISA M. CHIMERA
CHAIR**

LEGISLATOR RESOLUTIONS

Item 33 – CHAIR BASKIN directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 4-1 from LORIGO, GREENE, TODARO & MILLS. Opposition to New Overtime Rules Being Imposed on Farmers.

RESOLVED, that the ECDSM as Lead Agency for the SEQR review of the proposed action is hereby authorized to issue a negative declaration of significance in connection with this unlisted activity; and be it further

RESOLVED, that the Blasdell Sewage Treatment Plant Decommissioning Project, Erie County Sewer District No. 3, Contract No. 70 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 70	E & R General Construction, Inc. 38 Saint David's Drive West Seneca, NY 14224	\$792,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$792,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) for Contract No. 70; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the Capital Account and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

MR. MEYERS moved to approve the item as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. MEYERS moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 3E-5 (2022). MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Appointment to the SUNY Erie Board of Trustees
(COMM. 3E-5, 2022)

WHEREAS, the scope of the work includes a more modern exterior façade, new entry and egress doors, revised door layout for better flow of event goers, interior ceiling renovations as the entry vestibule is getting larger to meet code, and site work improvements to create safer entry for event goers, as well as a dedicated loading/ unloading zone for event vendors; and

WHEREAS, the County of Erie originally received bids for the Buffalo Niagara Convention Center Façade and Entry Improvements project on November 23, 2021 and upon review of the submitted bids, it was determined the only Plumbing bid received was not in conformance with County requirements; and

WHEREAS, the General Construction, Electrical, and Mechanical Contracts associated with the project were previously awarded per COMM. 25E-14 (2021) and the Department of Public Works re-advertised and accepted bids for the Plumbing; and

WHEREAS, bids for the Plumbing Contract were accepted on December 16, 2021; and

WHEREAS, the Department of Public Works and Trautman Architects are recommending award of the contracts to the lowest responsible Plumbing bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a Plumbing contract with the lowest responsible bidder for the Buffalo Niagara Convention Center (BNCC) Façade and Entry project for an amount not to exceed as follows:

<u>Plumbing Construction Work</u>		
MKS Plumbing Corp	Base Bid:	\$ 48,000

and be it further

RESOLVED, that any allowance and contingency funds that remain as assigned under COMM. 25E-14 (2021) unspent will be returned to the capital budget; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the plumbing portion of the BNCC project from the previously approved 2021 Capital Budget, Fund 410, Funds Center 122 as follows:

A.21106 – DPW (B&G) – Mechanical, Electrical, Plumbing (Countywide)	\$ 48,000
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and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Buffalo Niagara Convention Center, Financial Officer.

MR. MEYERS moved to approve the item. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 13-2 (2021). MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

RE: Support for Increasing the New York State Childcare Market Rate (INTRO. 13-2, 2021)

WHEREAS, the New York State office of Children and family Services (OCFS) sets a “market rate” that is used by multiple entities, including Erie County, to reimburse daycare providers for their services when families are eligible for subsidies; and

WHEREAS, this rate typically falls well below the actual cost of care and far below the private pay amount that is paid by those who are ineligible for government subsidies; and

WHEREAS, one of the most pressing issues in securing accessible, high quality childcare is the high turnover rate of staff, due in large part to the low wages that workers are paid even after extensive training; and

WHEREAS, these workers are both a vital part of our national infrastructure, were considered “essential” during the COVID-19 pandemic, and are also predominantly women and persons of color; and

WHEREAS, by establishing such a low rate of pay, New York State is inadvertently disadvantaging those members of our society that need the most help economically and also provide a service that is indisputably important; and

WHEREAS, Erie County is considered to be a “childcare desert” because there are very few childcare options due in large part to the low profit margins which has forced many facilities and providers to close.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature supports and calls on the New York State Office of Children and Family Services to increase the market rate for which childcare providers are paid; and be it further

RESOLVED, that this Honorable Body declares that we believe childcare to be a necessary ‘infrastructure’ investment, worthy of federal and state funding and commitment; and be it further

RESOLVED, that this Honorable Body supports increased eligibility guidelines and childcare subsidies for working families throughout Erie County and New York State; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the Erie County delegation of the New York State Legislature, the Commissioner of OCFS, the Erie County Executive and the Erie County Commissioner of Social Services.

MR. MEYERS moved to amend the resolution. MS. CHIMERA seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

Add a New Fourth Resolve Clause in its Entirety as follows:

RESOLVED, that in addition to increasing the market rate for which childcare providers are paid, this Honorable Body further calls on OCFS to increase by \$20 million the total allotment of childcare subsidy dollars made available to Erie County's Department of Social Services such that an increase in the market rate does not simply result in fewer families being served; and be it further

MR. MEYERS moved to approve the resolution as amended. MS. CHIMERA seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

Item 39 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 3-4 (2022). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

RE: Excluding Veteran Disability
Compensation from the Income
Calculation for an Erie County Senior
Citizen Property Tax Exemption
(INTRO. 3-4, 2022)

WHEREAS, New York State Real Property Tax Law (RPTL) Section 467 allows local municipalities to offer a senior property tax exemption based on income; and

WHEREAS, state law was amended in 1997 to allow municipalities to “opt out” of including certain income when calculating and providing for said property tax exemptions on seniors; and

WHEREAS, veteran disability compensation is provided by the US Department of Veterans Affairs to former military service members who have a chronic condition that is connected to their service and such payments are intended to compensate them for a decreased quality of life due to their service connected disability; and

WHEREAS, veterans who receive veteran disability compensation are not issued a W-2 or 1099 for such payments; and

WHEREAS, the US Department of Veterans Affairs, Internal Revenue Service, and New York State Department of Taxation and Finance do not consider veteran disability compensation as income;

WHEREAS, under state law, if allowed by local option, property that (1) is owned by persons 65 years of age or older, or by certain other persons whose income does not exceed the maximum established by local option, (2) is used exclusively for residential purposes, and (3) has been owned by at least one of its owners for a minimum of 12 consecutive months prior to application for exemption or for a period of time considered to be the equivalent of 12 consecutive months is partially exempt from general municipal taxes; and

WHEREAS, on July 7, 1970, the Erie County Legislature approved Item 16, a resolution opting into state legislation creating a property tax exemption for Erie County tax purposes for the Senior Citizen Real Property Tax Exemption; and

WHEREAS, that action did not contemplate, nor provide for an exemption or opt-out for those seniors who are veterans who receive disability compensation as defined in Title 38 of the United States Code; and

WHEREAS, the Erie County Department of Real Property Tax Services has identified 356 properties in Erie County that have a disabled veteran exemption (either Alternative or Cold War) and a senior exemption for county tax purposes; and

WHEREAS, these disabled veterans who are senior citizens could lose their senior property tax exemption without action to address this compensation issue and to exclude disabled veteran payments as income when assessors calculate the senior citizen exemption; and

WHEREAS, this resolution is intended to address that issue and to allow for veterans who receive veteran disability compensation to not have that income included in the calculation for an Erie County senior citizen property tax exemption; and

WHEREAS, periodically since July 1970, the maximum income level exemption has been reviewed and updated by the Erie County Legislature; and

WHEREAS, because the Senior Citizen Real Property Tax Exemption has not been reviewed or revised since 2018, it is necessary to also review and revise the County's exemption threshold based on maximum income eligibility for senior citizens.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, does hereby declare and find that for the purposes of such senior citizen property tax exemption, any such senior citizen who is a service-connected disabled veteran and receives disability compensation from the US Department of Veterans Affairs as defined in Title 38 of the United States Code, shall not have said payments/compensation included in the calculation by any assessor for the purposes of the exemption from the County of Erie real property taxes as initiated and approved by this Honorable Body in Item 16 on July 7, 1970; and be it further

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption; and be it further

RESOLVED, upon public hearing, the maximum allowable income levels for the Senior Citizen Real Property Tax Exemption for the County property tax purposes are hereby revised to the following levels:

Percentage of Exemption (%)	Minimum Income	Maximum Income
50	\$0.00	\$29,000.00
45	\$29,000.01	\$29,999.99
40	\$30,000.00	\$30,999.99
35	\$31,000.00	\$31,999.99
30	\$32,000.00	\$32,899.99
25	\$32,900.00	\$33,799.99
20	\$33,800.00	\$34,699.99
15	\$34,700.00	\$35,599.99
10	\$35,600.00	\$36,499.99
5	\$36,500.00	\$37,399.99

and be it further

RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates for the 2022 assessment rolls in Erie County, applying to such tentative assessment rolls prepared on taxable status dates occurring on or after January 1, 2022; and be it further

RESOLVED, that a public hearing concerning these partial exemption from taxation and ad valorem levies was held to consider public input; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Mark Poloncarz, Budget Director Robert Keating, Director of Real Property Tax Services Scott Bylewski,

County Attorney Michael Siragusa, Acting Senior Services Commissioner Timothy Hogues, Veterans Service Officer Shawn Lavin, and to the Assessors of each city and town in Erie County.

MR. MEYERS moved to amend the resolution. MR. JOHNSON seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

Amend the Fourth Whereas Clause in its Entirety as Follows:

That the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates for the 2023 assessment rolls in Erie County, applying to such tentative assessment rolls prepared on taxable status dates occurring on or after December 1, 2022; and be it further

MR. MEYERS moved to approve the resolution as amended. MR. GILMOUR seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 40 – (COMM. 4E-1) Letter to Legislature Clerk Concerning Transition of Meeting on 02/17/2022

Received, filed and printed.

February 11, 2022

Robert M. Graber, Clerk

Erie County Legislature
92 Franklin Street Fourth Floor
Buffalo, New York 14202

Re: February 17, 2022 Work Session and Legislative Session to be
Held via Video Conferencing Due to the Coronavirus Pandemic

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic, and in order to help protect the members and staff of the Erie County Legislature and the public from potential exposure to the virus, I am writing to advise you that pursuant to Section 2.03 of the Erie County Legislature's Rules of Order, I am shifting the Legislature's scheduled February 17, 2022 session from being held in the Chambers of the Legislature to a virtual hearing via Zoom. Accordingly, the work session will be at 10:00 am and the legislative session will be held at 12:00 Noon on February 17th.

Please notify all legislators, staff, the media, and the public of this change and the call-in details. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair of the Legislature

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 4E-2) ECSD Nos. 3 & 8 - Construction Inspection Term Contract Agreement

Item 42 – (COMM. 4E-3) ECSD No. 3 - Engineering Term Contract Agreement - DA-9

Item 43 – (COMM. 4E-4) ECSD No. 3 - Engineering Term Contract Agreement - CS-3

Item 44 – (COMM. 4E-5) ECSD No. 3 - Engineering Term Contract Agreement - WDL-3

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

Item 45 – (COMM. 4E-6) Appointment to the Fire Chaplains Corps

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (COMM. 4E-7) Contract w/Roycroft Campus Corporation for Final Phase of Copper Shop Building Restoration

Item 47 – (COMM. 4E-8) Rath Building Elevator Modernization Project

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

Item 48 – (COMM. 4E-9) Authorization of Foreclosure Proceedings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR BARGNESI

Item 49 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded. MR. BARGNESI abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 31

RE: Lease Agreement for Legislative Office
Space
(COMM. 4E-10)

RESOLVED, the Erie County Executive is hereby authorized to sign a 2-Year Lease Agreement with ABBAY, LLC for Legislative office space for John Bargnesi, located at 2165 Sheridan Dr., Tonawanda, NY 14223, for a monthly rate of \$1,000.

FROM THE SHERIFF

Item 50 – (COMM. 4E-11) Authorization for K9 Retirement & Transfer

Item 51 – (COMM. 4E-12) Human Trafficking Grant Personnel Adjustments

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF LAW

Item 52 – (COMM. 4D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 53 – (COMM. 4D-2) Child Protective Caseloads for 1/2022

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 54 – (COMM. 4D-3) Audit of Senior Services Grant Revenues & Expenditures

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 55 – (COMM. 4D-4) Filing Notification of Local Law Filing for LL No. 1 (2022)

Received and filed.

Item 56 – (COMM. 4D-5) Filing Notification of Local Law Filing for LL No. 2 (2022)

Received and filed.

FROM THE CLERK OF LEGISLATURE

Item 57 – (COMM. 4D-6) Notice Concerning Transition of Meetings on 02/17/2022

Received, filed and printed.

February 11, 2022

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: February 17, 2022 Work Session and Legislative Session to be
Held via Video Conferencing Due to the Coronavirus Pandemic

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter concerning COVID-19, the Erie County Legislature's scheduled February 17, 2022 work session and legislative session will be shifted from being held in the Chambers of the Legislature to video conferencing, to be held via Zoom.

The Chairwoman's letter directing the changes is attached.

The Zoom details are as follows:

Topic: Erie County Legislature Session #4

Time: Feb 17, 2022 10:00 AM Work Session and 12:00 Noon Meeting, Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89586986479>

Meeting ID: 895 8698 6479

Call-In: 1-929-436-2866

FROM THE DEPARTMENT OF LAW

Item 58 – (COMM. 4D-7) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC FAIR HOUSING BOARD

Item 59 – (COMM. 4M-1) 2021 EC Fair Housing Board Annual Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE VISIT BUFFALO NIAGARA

Item 60 – (COMM. 4M-2) Submission Pursuant to Budget Accountability Act

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 61 – (COMM. 4M-3) Submission Pursuant to Budget Accountability Act

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CORNELL COOPERATIVE EXTENSION

Item 62 – (COMM. 4M-4) Submission Pursuant to Budget Accountability Act

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 63 – (COMM. 4M-5) Submission Pursuant to Budget Accountability Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 64 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, February 24, 2022, will be distributed.

MEMORIAL RESOLUTIONS

Item 65 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Marcia A. Canetti and Robert M. Keil.

Item 66 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Robert J. Loncar, Robert P. Gallivan Sr., and Jayda McIntyre.

Item 67 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Kathryn E. Lipka and Madonna M. Priore.

Item 68 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Victor Farley, James Makowski, and Richard Taylor.

Item 69 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Dennis E. Murphy.

Item 70 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Keith Goss and Ryan Gowning.

ADJOURNMENT

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

MR. JOHNSON moved that the Legislature adjourn until Thursday, March 3, 2022 at 12:00 p.m. Eastern Standard Time. MR. LORIGO seconded. MR. MEYERS not present for vote.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, March 3, 2022 at 12:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**