

**ERIE COUNTY LEGISLATURE  
MEETING NO. 2  
JANUARY 25, 2024**

The Legislature was called to order by Chair Baskin.

All members present, except Legislators Mills & Gilmour.

An Invocation was held, led by Mr. Kooshoian, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Greene.

Item 1 – MR. MEYERS moved to take the Rules of the Legislature for 2024 from the table. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the Rules of the Legislature for 2024. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

**2024  
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, a legislator or legislators affected 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, 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:**

Not later than the second business day after the sixth of December, following the submission of the tentative budget, the budget shall be the first order of business. 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 Chair of the Legislature and Leader of the Minority shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each 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 1 from 2024. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – Miscellaneous Resolutions were offered, as follows:

GILMOUR	In Remembrance of Steven P. Alvarez
KOOSHOIAN & BARGNESI	In Remembrance of Joseph P. Wolf
JOHNSON & BASKIN	Congratulating Aubrey Lloyd on being Named Section IV Athletic Director of the Year
VINAL	Congratulating and Honoring Jeff Sabatino
VINAL	Celebrating and Honoring National India Republic Day
MILLS	Honoring Jack Kuebler for 68 Years of Dedicated Fire Service
LORIGO	Recognizing Jeffrey Girst Upon Receiving the Springville Volunteer Fire Department Outstanding Service Award
LORIGO	Recognizing Eric Tuburdyke Upon Receiving the Springville Volunteer Fire Department Outstanding Service Award
LORIGO	Recognizing James Siminski for 45 Years of Service to the Springville Volunteer Fire Department
TODARO	Recognizing the Lancaster Police Department for National Law Enforcement Day
GREENE	Recognizing and Honoring Douglas Jay Larkin for 50 Years of Service to the Clarence Fire Company
GREENE	Recognizing and Honoring James Schlabach for 50 Years of Service to the Clarence Fire Company
GREENE	Congratulating Amherst Town Justice Geoffrey Klein on His Retirement
LEGISLATURE	Honoring John W. Greenan for Thirty Years of Service to Erie County
KOOSHOIAN	Congratulating and Honoring Brianna Barr-Buday
MAJORITY CAUCUS	National Poverty Awareness Month
MILLS	Recognizing the Town of Orchard Park Police Department for National Law Enforcement Appreciation Day

MILLS	Recognizing the Town of Evans Police Department for National Law Enforcement Appreciation Day
MILLS	Recognizing the Village of Hamburg Police Department for National Law Enforcement Appreciation Day
MILLS	Recognizing the Town of Brant Police Department for National Law Enforcement Appreciation Day
MILLS	Recognizing the Village of Gowanda Police Department for National Law Enforcement Appreciation Day
MILLS	Recognizing the Town of Eden Police Department for National Law Enforcement Appreciation Day
GREENE	Recognizing the Life-Saving Efforts of Harris Hill Volunteer Firefighter John Moulin
TODARO	Celebrating the Historic Election of Colleen Pautler as Alden Town Supervisor

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-four items by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 6 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2024 remain on the table.

GRANTED.

### **COMMITTEE REPORTS**

Item 7 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

January 11, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 17M-2 (2023)  
WNY NO NEW JAILS ROUNDTABLE: “Opinion Letter on the RFP for the EC Holding Center & Correctional Facility System”  
(Chair’s Ruling)
  - b. COMM. 24M-2 (2023)  
COMMUNITY GROUPS: “Proposed Contract with Foit-Albert Associates & DLR Group for Operational Needs Assessment”  
(Chair’s Ruling)

2. COMM. 24E-24 (2023)  
COUNTY EXECUTIVE  
WHEREAS, the United States Marshals Service Prisoner Operations Division is desirous of entering into an agreement with the County of Erie and the Erie County Sheriff’s Office for the housing of incarcerated individuals that are in Federal Custody and awaiting trial in Buffalo Federal Courts; and

WHEREAS, the County of Erie currently has no agreement for reimbursement of costs associated with the incarceration of Federal arrestees; and

WHEREAS, the housing of Federal arrestees without an appropriate financial agreement has become a burden on local taxpayers; and

WHEREAS, the proximity of the Erie County Holding Center to the Federal Court House makes the facility the appropriate location to house Federal arrestees while on trial; and

WHEREAS, this resolution will positively impact on the 2024 budget as it will provide a new revenue source to the Erie County Sheriff’s Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with the United States Marshals Service Prisoner Operations Division for the reimbursement of costs associated with the housing and care of Federal arrestees; and be it further

RESOLVED, that said agreement shall be for a minimum of \$150 per day for each arrestee housed at the Erie County Holding Center or Correctional Facility; and be it further

RESOLVED, that said agreement is required to cover the costs of arrestee health care provided to the individual outside of the facility; and be it further

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

(6-0)

HOWARD J. JOHNSON, JR.  
CHAIR

Item 8 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 11, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 24M-1 (2023)  
COLUMBIA LAW SCHOOL INTERNS: "Transportation Equity Project Report"  
(Chair's Ruling)
  - b. COMM. 24M-8 (2023)  
NFTA: "Reply to Rate Your Ride Report"  
(Chair's Ruling)
  - c. COMM. 1M-2 (2024)  
NFTA: "NFTA Adoption of Operating & Capital Budget"  
(Chair's Ruling)

2. COMM. 1E-4 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works (DPW), has highway assets to manage and needs an accurate inventory to aid in this process; and

WHEREAS, the Department of Public Works, has an existing contract with Cyclomedia Technology Inc. approved by the legislature via COMM 3E-29 (2019), DPW wishes to exercise an additional option to extract drainage structure data from the existing GeoCyclorama 360-degree data, thus creating an accurate inventory of the County's drainage structures; and

WHEREAS, for the Department of Public Works, to manage an aging infrastructure and respond to County facilities deficiencies with electronic processes, Legislative approval is required to enter a contract amendment with Cyclomedia Technology Inc. in an amount not to exceed \$70,000 to create the drainage structure inventory.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract amendment with Cyclomedia Technology Inc. in an amount not to exceed \$70,000 for drainage structure inventory data extraction; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office to make payments for the above from A.20052 – 2020 Asset Inventory, Data Extraction - Cyclomedia, Fund 420, Funds Center 122; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive Office, Comptroller's Office, Division of Budget and Management and the Division of Purchase.  
(6-0)

3. COMM.1E-6 (2023)  
COUNTY EXECUTIVE

WHEREAS, Erie County wishes to honor and memorialize the contributions of trailblazing women for the Western New York Community; and

WHEREAS, a Trailblazing Women Monument Steering Committee led by the Executive Director of the Erie County Commission on the Status of Women was established to honor pioneering women from Western New York; and

WHEREAS, the greenspace and walkways in front of Old County Hall were determined to be the appropriate location for the monuments; and

WHEREAS, the work of the site designer, Trautman Associates, authorized under resolution COMM. 24E-11 (2021), and construction contractor, Scott Lawn Yard, LLC (SLY), authorized under COMM. 2E-30(2023), are nearly complete; and



WHEREAS, lighting fixtures, benches and interpretive sign production and delivery were delayed with items expected to be received in January 2024; and

WHEREAS, some installation procedures require warmer weather conditions for the installation materials.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute 6-month, no-cost contract extensions with Trautman Associates and Scott Lawn Yard, LLC (until June 22, 2024); and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Division of Budget and Management; the Department of Law; the Office of the Comptroller; the Department of Public Advocacy; and the Department of Environment and Planning.

(6-0)

HOWARD J. JOHNSON, JR.  
CHAIR

Item 9 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

January 11, 2024	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 24M-4 (2023)  
NYS DEC: “Brownfield Cleanup Program Application – Public Notice”  
(Chair’s Ruling)
  - b. COMM. 1M-1 (2024)  
NYS DEC: “Brownfield Cleanup Program – Public Notice Fact Sheet”  
(Chair’s Ruling)
  - c. COMM. 1M-3 (2024)  
B. GUTOWSKI: “Citizen Comment on Golf Rules Changes”  
(Chair’s Ruling)

2. COMM. 1E-3 (2024)  
COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District (ECSD) No. 1 maintains an overflow retention facility at 715 Cayuga Creek Road in the Town of Cheektowaga; and

WHEREAS, the overflow retention facility is presently operated pursuant to State Pollutant Discharge Elimination System (SPDES) Permit No. NY0091731; and

WHEREAS, while the overflow retention facility has provided environmental benefits through the elimination of sanitary sewer overflows, the facility was not designed to provide “effective secondary treatment” as noted in New York State Environmental Conservation Law §17-0509(2); and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) issued draft Order on Consent CO 9-20190630-97 with the intention of replacing SPDES Permit No. NY0091731; and

WHEREAS, after negotiations and subsequent revisions of the draft Order on Consent, it is the recommendation of the Division of Sewerage Management and its legal counsel that ECSD No. 1 proceed with Order on Consent CO 9-20190630-97.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature hereby authorizes the County Executive to execute Order on Consent CO 9-20190630-97 for the ECSD No. 1 overflow retention facility, 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 Clerk of the Legislature shall send one (1) certified copy each to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.  
(6-0)

3. COMM. 1E-5 (2024)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning works to reduce waste in both its own operations and in the community; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) granted Erie County \$200,000.00 for the Erie County Food Waste Reduction Project (162ECFWRP1923) to support food waste reduction in health care facilities; and

WHEREAS, Erie County entered into an agreement with the NYSDEC for this project as authorized by COMM. 8E-19 (2021); and

WHEREAS, NYSDEC is requesting that the grant project be extended to September 30, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a no cost extension with the NYSDEC to extend the Erie County Food Waste Reduction Program grant (162ECFWRP1923) through September 30, 2024; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Division of Budget and Management; the Department of Law; the Office of the County Comptroller; and the Department of Environment and Planning.

(6-0)

TIMOTHY J. MEYERS  
CHAIR

Item 10 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

January 11, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed and printed:
  - a. COMM. 24E-4 (2023)  
COUNTY EXECUTIVE: “Appointment to Western Region OTB Board of Directors”  
(Chair’s Ruling)

December 5, 2023

Erie County Legislature  
Old County Hall  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Re: Appointment to Western Region OTB Board of Directors

Dear Honorable Members,

Please be advised that pursuant to legislation adopted in the 2023-2024 New York State budget and the resignation of my office's current appointee, I hereby appoint the following individual to the Board of Directors of Western Region OTB:

Timothy C. Callan  
73 Kenton Road  
Kenmore, NY 14217

Should you have any questions regarding these appointments please feel free to contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 2D-3 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: "Open Item - Finance & Management Committee"  
(Chair's Ruling)
  - b. COMM. 6E-15 (2023)  
COUNTY EXECUTIVE: "Creation of Parks Special Event Fees"  
(Chair's Ruling)
  - c. COMM. 15E-33 (2023)  
CLERK: "EC Comptroller's Office Audit of the County Clerk's Office, Registrar Division"  
(Chair's Ruling)
  - d. COMM. 15M-6 (2023)  
PARTNERSHIP FOR THE PUBLIC GOOD: "Letter Concerning LL INTRO. 3-2"  
(Chair's Ruling)
  - e. COMM. 16E-12 (2023)  
CLERK: "Recording Fees"  
(Chair's Ruling)
  - f. COMM. 20E-5 (2023)  
COMPTROLLER: "EC Cultural Funding Grant Monitoring Program - General Pulaski Association"  
(Chair's Ruling)
  - g. COMM. 23E-7 (2023)  
COMPTROLLER: "Department of Law Risk Retention Fund Spending - Sept. & Oct. 2023"  
(Chair's Ruling)

- h. COMM. 23D-1 (2023)  
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending September 2023”  
(Chair’s Ruling)
- i. COMM. 23M-1 (2023)  
PRESIDENT & CEO OF VBN: “VBN & Buffalo Convention Center - Third Quarter Reports”  
(Chair’s Ruling)
- j. COMM. 24E-1 (2023)  
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program - American Legion Band of the Tonawandas”  
(Chair’s Ruling)
- k. COMM. 24E-2 (2023)  
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program - Brighton Place Library”  
(Chair’s Ruling)
- l. COMM. 24E-3 (2023)  
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program - Newstead Historical Society”  
(Chair’s Ruling)
- m. COMM. 24E-5 (2023)  
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program - Shakespeare in Delaware Park, Inc.”  
(Chair’s Ruling)
- n. COMM. 24E-6 (2023)  
COUNTY EXECUTIVE: “2024 Erie County Budget, As Amended”  
(Chair’s Ruling)
- o. COMM. 24E-25 (2023)  
COMPTROLLER: “Audit of the EC Department of Law Grant & Claim Reimbursement for Indigent Legal Services”  
(Chair’s Ruling)
- p. COMM. 24D-2 (2023)  
DIRECTOR OF BUDGET & MANAGEMENT: “December Capital Projects Update”  
(Chair’s Ruling)
- q. COMM. 24D-3 (2023)  
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending October 2023”  
(Chair’s Ruling)

r. COMM. 1E-1 (2024)  
COMPTROLLER: “Sales and Compensating Use Tax Report - Sept., Oct., Nov. 2023”  
(Chair’s Ruling)

3. COMM. 1E-2 (2024)  
COUNTY EXECUTIVE

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly-elected employee organizations; and

WHEREAS, New York State Nurses Association (“NYSNA) represents the Nurses who work in the Erie County Department of Health and in the Sheriff’s Administration; and

WHEREAS, the existing collective bargaining agreement between Employer and NYSNA is set to expire on December 31, 2023; and

WHEREAS, Employer and NYSNA negotiated a collective bargaining agreement, covering the period between January 1, 2024 and December 31, 2026; and

WHEREAS, NYSNA membership recently ratified the agreement; and

WHEREAS, the financial impacts of the NYSNA collective bargaining agreement and previously approved Teamsters Local 264 Captains and Lieutenants Unit collective bargaining agreement (COMM. 21E-6 (2023)) and 25-Year Pension Plan (COMM. 20E-20 (2023)) were not able to be included in the Adopted 2024 Erie County Budget due to timing; and

WHEREAS, it has been determined that supplemental funding from unanticipated interest earnings in 2023 be utilized to cover the \$4,000,000 combined estimated cost of these changes in 2024.

NOW, THEREFORE, BE IT

RESOLVED, the agreement between Employer and the Unit for the period January 1, 2024-December 31, 2026, is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is hereby given for the recognition of \$4,000,000 in previously unbudgeted interest earnings revenue in Fund 110, Funds Center 17000, Account #445030 – Interest & Earnings General Investments Revenue and the appropriation of a like amount of funding into the Countywide Budget (Fund 110, Funds Center 14010) Accounts #504998 – Net Impact Teamsters and #504999 Net Impact NYSNA as follows:

2023 Budget  
Fund 110, Funds Center 17000

Countywide Budget Accounts - Comptroller  
REVENUES

445030 Interest & Earnings General Investments	<u>\$4,000,000</u>
TOTAL	<u>\$4,000,000</u>

2023 Budget  
Fund 110, Funds Center 14010  
Countywide Budget Accounts

APPROPRIATIONS

504998 Net Impact Teamsters	\$2,300,000
504999 Net Impact NYSNA	<u>\$1,700,000</u>
TOTAL	<u>\$4,000,000</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$4,000,000 in 2023 funding into 2024; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additionally required budgetary adjustments to properly fund the increased costs associated with the agreements and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the terms of the agreements for County employees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Division of Budget and Management, Department of Labor Relations, Department of Personnel, Erie County Sheriff's Office, and the Erie County Fiscal Stability Authority.

(6-0)

TIMOTHY J. MEYERS  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 11 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Extending Public Benefit  
Contracts with The Research

Foundation for SUNY  
(INTRO. 2-1)

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

WHEREAS, in the amended and adopted 2023 Erie County Budget, the Legislature appropriated \$75,000 to the Amherst 2023 Summer Math Camp in the Community/Neighborhood Development Fund Center 1332010, Account #518629, for the purpose of providing a summer camp to enhance math skills for our youth in a fun, engaging way; and

WHEREAS, in the amended and adopted 2023 Erie County Budget, the Legislature appropriated \$500,000 to the UB Family Violence & Women's Rights Clinic in the Community/Neighborhood Development Fund Center 1332010, Account #518776, for the purpose of providing increase access to free legal services for victims of domestic violence; and

WHEREAS, the Amherst 2023 Summer Math Camp was administered by The Research Foundation for SUNY (Buffalo State Campus) and the agency has not utilized all of the funds and wishes to continue the work into 2024 with the unspent 2023 funds; and

WHEREAS, the UB Family Violence & Women's Rights Clinic was administered by The Research Foundation for SUNY (SUNY Buffalo Campus) and the agency has not utilized all of the funds and wishes to continue the work into 2024 with the unspent 2023 funds; and

WHEREAS, the Department of Law has determined that in order for use of the funds to continue into 2023 and to extend the contract with The Research Foundation for the State University of New York, legislative assent via legislative resolution is necessary.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with The Research Foundation for the State University of New York for its Amherst 2023 Summer Math Camp in the Community/Neighborhood Development Fund Center, Fund Center #1332010, Account #518629; and be it further

RESOLVED, the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with The Research Foundation for the State University of New York for its UB Family Violence & Women's Rights Clinic in the Community/Neighborhood Development Fund Center, Fund Center #1332010, Account #518776; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Director of Budget and Management, the Commissioner of Environment and Planning, The Research Foundation for the State of University of New York (SUNY Buffalo Campus), and The Research Foundation for the State of University of New York (Buffalo State Campus).



MR. MEYERS moved to amend the resolution with the following. MR. TODARO seconded.

AMEND the last whereas clause as follows:

WHEREAS, the Department of Law has determined that in order for use of the funds to continue into 2024 and to extend the contract with The Research Foundation for the State University of New York, legislative assent via legislative resolution is necessary.

AMEND the 1<sup>st</sup> resolve clause as follows:

RESOLVED, the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with The Research Foundation for the State University of New York for its Amherst 2024 Summer Math Camp in the Community/Neighborhood Development Fund Center, Fund Center #1332010, Account #518629; and be it further

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

There are none.

### **SUSPENSION OF THE RULES**

Item 12 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-26 from the COUNTY EXECUTIVE Re: Veto of Local Law Intro. No. 9-1-2023

Chair Baskin directed the item be received, filed and printed.

January 16, 2024

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

RE: Veto of Local Law Intro. No. 9-1-2023

Dear Honorable Members:

Local Law Intro. No. 9-1-2023, entitled “*A Local Law mandating the development of County Agency-specific language access plans, practices, and training in the County of Erie,*” also known as The Erie County Language Access Act, was adopted by your Honorable Body on December 21, 2023 and presented to me for approval. A public hearing regarding this Local Law was duly held on December 14, 2023.

While the intent of the Local Law is noble, for the reasons stated herein, and pursuant to Erie County Charter Section 205, I hereby Disapprove and Veto Local Law Intro. No. 9-1-2023.

Local Law Intro. No. 9-1-2023 highlights the importance of language access resources in Erie County, especially when it aids in providing vital county services and programs. However, this Local Law does not take into consideration the state and federal requirements already in place for language access across Erie County government. All county departments and agencies receiving federal funds, either directly or if passed through to the state first, must follow the federal requirements and guidance for language access services.

Local Law Intro. 9-1-2023 does not adequately navigate the need to reconcile its provisions with those of the state and federal governments. Section 1 of this Local Law notes that Presidential Executive Order 13166 requires all federally funded agencies to ensure that individuals with limited English proficiency have access to programs and services. County departments and agencies that receive funding must follow the four-factor analysis found in Title IV Guidance for Recipients, and translate vital documents into the languages used by each agency’s specific client population. This local law does not require the Language Access Advisory Board to follow the federal guidance, and as such creates conflicting regulations under which a county department or agency would be required to translate vital documents into the six languages designated by the board, while also having to translate vital documents into languages designated by the federal methodology.

Additionally, Local Law Intro. 9-1-2023 also creates conflicting regulations under New York State election law. In a letter sent to me by Erie County Board of Election Commissioners Ralph Mohr and Jeremy Zellner dated January 11, 2024, they note New York State Election Law Section 17-208 already requires boards to provide language access and assistance with voting materials and instructions to language-minority groups. The methodology of the state law is based on demographics, not a set number of languages as in this Local Law. As such, they express their joint concern there could be a similar incongruency with Local Law Intro. 9-1-2023 and the prescribed state law covering the Board of Elections. A copy of this letter is attached hereto for your review.

The letter from the Erie County Board of Elections Commissioners also notes that Local Law Intro. 9-1-2023 was passed after the budgetary process for 2024 was complete. The Commissioners feel that this Local Law will place an undue burden on their resources as there is no additional budget for the services required and almost no time to prepare, especially in a year that will include at least four election cycles. The Commissioners also note that the state law does not take effect until 2026 so that boards of elections can have adequate time to budget and plan.

The unknown costs and lack of additional funding for this Local Law are a concern shared by myself and County departments. If a new draft of a Language Access Local Law is put forth, a cost analysis should be done that clearly articulates anticipated fiscal impact to Erie County while also identifying funding in a subsequent budget.

As such, for the reasons stated above, I hereby Disapprove and Veto Local Law Intro. No. 9-1-2023.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

Item 13 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2D-3 from the COUNTY ATTORNEY Re: Opinion as to Form Local Law Intro. No. 1-1 2024

Chair Baskin directed the item be received, filed and printed.

January 16, 2024

*Via Email Only*

Hon. April N.M. Baskin, Chairwoman  
Erie County Legislature  
Old Erie County Hall  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 1-1 202

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 8-1 2023 (8-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, the New York State Constitution Art. XVIII, § 2 has recognized affordable housing as matter of local import, rather than a matter preempted by the State. Although the State Legislature did not expressly granting the power to create affordable housing to county governments it does not preclude County's from adopting local laws authorizing them to fund and undertake affordable housing initiatives to protect the public health safety and welfare, under their home rule powers ( Municipal Home Rule Law § 10 (1)(ii)(a)(12), which is a power expressly recognized by the State Attorney General Opinion. See NYS A.G. Opinion 92-4.

Grammar

We find the grammar and usage of .. LL 1-1 2024 to be sufficient in order to achieve the stated purpose.

Ambiguities

Although every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, LL 1-1 2024 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 1-1 2024 is sufficient as to form.

Very truly yours,  
JEREMY C. TOTH  
Erie County Attorney

By: Richard E. Stanton  
Assistant Erie County Attorney

Item 14 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-27 from JOHNSON Re: Lease Agreement for Legislative Office Space

RESOLUTION NO. 9

RESOLVED, the Erie County Executive is hereby authorized to sign a 2-Year Lease Agreement with Numan Community DLP Group for Legislative office space for Howard Johnson, located at 1367 Fillmore Avenue, Buffalo, NY 14211 for a monthly rate of \$1,000.

MR. MEYERS moved for immediate consideration and approval. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

Item 15 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 2-2 from JOHNSON Re: A Letter Concerning the USPS Processing & Distribution Center on William St.

RESOLUTION NO. 10

WHEREAS, the United State Postal Service currently operates its Buffalo Processing & Distribution Center at 1200 William Street, Buffalo, NY 14240; and

WHEREAS, the Buffalo Processing & Distribution Center is under review to be changed to a “local processing center” which would transfer some mail processing operations to the USPS’ Rochester Processing & Distribution Center; and

WHEREAS, it is believed that this change could result in jobs at the Buffalo Processing & Distribution Center being transferred to Rochester, or being eliminated; and

WHEREAS, it is believed that this change could result in postal mail delays in Erie County as the change could result in mail that is sent from Erie County and to be delivered in Erie County, to have to be sent to Rochester in the mailing process; and

WHEREAS, a similar change was made in Utica, NY which affected some jobs at the Utica USPS facility; and

WHEREAS, the USPS is holding a public meeting on Wednesday, January 31 at 3pm at the Creekside Banquet Facility, 2669 Union Road, Cheektowaga, NY 14227.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is against a change at the Buffalo Processing and Distribution Center that would result in mail delays in Erie County, the transfer of jobs from the Buffalo Processing and Distribution Center, or the loss of jobs at the Buffalo Processing and Distribution Center; and be it further

RESOLVED, that the Clerk of the Legislature is directed to submit this resolution as a public comment to the United States Postal Service and send a copy of this resolution to U.S. Senator Charles Schumer, U.S. Senator Kristen Gillibrand, U.S. Congressman Brian Higgins, and U.S. Congressman Nicholas Langworthy.

MR. GREENE moved to amend the resolution to include Et Al Sponsorship. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY CLERK**

Item 16 – (COMM. 2E-1) Resolution to Authorize Entry into Second Extension of Contract with WNY Law Center, Inc.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 17 – (COMM. 2E-2) Appointment of Interim Commissioner - Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE SHERIFF**

Item 18 – (COMM. 2E-3) Reorganization of Correctional Health

Item 19 – (COMM. 2E-4) Contracts for Incarcerated Individuals Programming

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

Item 20 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

RE: Lease Agreement for Legislative Office  
Space  
(COMM. 2E-5)

RESOLVED, the Erie County Executive is hereby authorized to sign a Monthly Lease Agreement with 1701 Hertel Ave., LLC (Rosanne Frandina and Jim Vanoss) for Legislative office space for Michael Kooshoian, located at 1701 Hertel Ave., Buffalo, NY 14216 for a monthly rate of \$975.

Item 21 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: Lease Agreement for Legislative Office  
Space  
(COMM. 2E-6)

RESOLVED, the Erie County Executive is hereby authorized to sign a 2-Year Lease Agreement with JFV Holdings, LLC for Legislative office space for Timothy Meyers, located at 3485 Harlem Rd., Cheektowaga, NY 14225 for a monthly rate of \$1,200.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

RE: Lease Agreement for Legislative Office  
Space  
(COMM. 2E-7)

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 \$1,050.

FROM THE COUNTY EXECUTIVE

Item 23 – (COMM. 2E-8) Appointment to the EC Department of Central Police Services Board of Trustees

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 24 – (COMM. 2E-9) Appointment to the B&ECPL

Item 25 – (COMM. 2E-10) Appointments to the EC Arts & Cultural Advisory Board

Item 26 – (COMM. 2E-11) Appointments to the VBN & BNCC Board of Directors

The above three items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 2E-12) Appointment to the Board of Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 28 – (COMM. 2E-13) Appointment to the ECSD Boards of Managers

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 2E-14) EC Emergency Medical Services Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 30 – (COMM. 2E-15) Establish Benefit Enrollment Center 2024-2025 Grant Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 2E-16) Authorization to Enroll Electric Utility Accounts into  
Community Solar

Item 32 – (COMM. 2E-17) SUNY ECC North Campus Bell Sports Center Roof Repairs

Item 33 – (COMM. 2E-18) PILOT Agreement for Solar Energy Systems

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

FROM THE COUNTY EXECUTIVE

Item 34 – (COMM. 2E-19) Adoption of Community Climate Action Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 2E-20) 2024 Annual Action Plan for the Community Development  
Block Grant, Emergency Solutions, and HOME Investment Partnership Programs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 2E-21) ECSD Nos. 2, 3, 6 & 8 - Construction Inspection Term Contract  
Agreement



Item 37 – (COMM. 2E-22) ECSD No. 4 - Depew Pumping Station Forcemain Replacement at Cayuga Creek

Item 38 – (COMM. 2E-23) ECSD No. 3 - Southtowns Incinerators Heat Exchanger Replacement Project

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

Item 39 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: 2024 Adopted Budget Grant Fund  
Personnel Adjustment  
(COMM. 2E-24)

WHEREAS, the 2024 Adopted Budget Grant Fund included two personnel adjustments approved by the Erie County Legislature on December 7, 2023 within the Departments of Central Polices Services' Gun Involved Violence Elimination (GIVE) Grant and Homeland Security and Emergency Services' State Homeland Security Program (SHSP) Grant; and

WHEREAS, the 165GIVE2425 grant period runs from July 1, 2024 to June 30, 2025; and

WHEREAS, the HS167SHSP2427 grant period runs from September 1, 2024 to August 31, 2027; and

WHEREAS, because neither the 165GIVE2425 or HS167SHSP2427 grants authorized as part of the 2024 Adopted Budget have grant periods matching the calendar year, the authorized personnel adjustments would not go into effect until the start of their respective grant periods; and

WHEREAS, in order to make these personnel adjustments effective as of January 1, 2024, as was intended, authorization must be given to make these personnel adjustments within the current 165GIVE2324 and HS167SHSP2327 grants.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the, already approved, creation of a Firearms Examiner III position (Job Group 12) and deletion of a Firearms Examiner II position (Job Group 10) (B-100 #13946) within the Department of Central Police Services' 165GIVE2425 grant be made effective as of January 1, 2024 within the current 165GIVE2324 grant; and be it further

RESOLVED, that sufficient funding exists within the Central Police Services' Gun Involved Violence Elimination Grant 165GIVE2324 to cover the increased salary of \$5,849 from January 1, 2024 to June 30, 2024; and be it further

RESOLVED, that authorization is hereby given for the, already approved, creation of an Accounting Analyst (Emergency Services) position (Job Group 11) and deletion of an Accountant position (Job Group 9) (B-100 #14041) within the Department of Homeland Security and Emergency Services' HS167SHSP2427 grant be made effective as of January 1, 2024 within the current HS167SHSP2326 grant; and be it further

RESOLVED, that sufficient funding exists within the Homeland Security Emergency Services' State Homeland Security Program Grant HS167SHSP2326 to cover the increased salary of \$11,223 from January 1, 2024 to September 1, 2024; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any additional adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Comptroller's Office, Department of Personnel, Department of Homeland Security and Emergency Services, Department of Central Police Services and Division of Budget and Management.

FROM LORIGO

Item 40 – (COMM. 2E-25) Objection to New Rules Governing Golf Leagues at County Golf Courses

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 41– (COMM. 2D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY COMPTROLLER OF AUDIT

Item 42 – (COMM. 2D-2) EC Comptroller's Office Audit of the Real Property Tax Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CEO OF PEACEPRINTS OF WNY

Item 43 – (COMM. 2M-1) Access East Ferry Detention Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 44 – Chair Baskin announced that the Legislature will conduct committee meetings on Tuesday, January 30, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, February 2, 2024.

**MEMORIAL RESOLUTIONS**

Item 45 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Donald A. Alessi.

Item 46 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Eric Dougherty.

Item 47 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Stephanie Barber Geter.

**ADJOURNMENT**

Item 48 – 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, February 2, 2024 at 12:00 Noon. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 2, 2024 at 12:00 Noon.

**OLIVIA M. OWENS  
CLERK OF THE LEGISLATURE**