

Introducer's Memorandum to Recommendation Intro No 1

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation is to adjust the dollar amount to account for inflation from the time it was originally enacted. It was the consensus of the Committee that \$10,000.00 was too low a figure in a nearly \$2 Billion annual budget. The Committee believes \$50,000.00 would be a large enough figure to allow the County Executive flexibility in shifting budget funds while also being a low enough threshold to retain the Legislatures' oversight on such transfers.

Recommendation

Amend- Article 25, Section 2511 of the Charter as follows:

The County Executive may at any time during the fiscal year transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer (1) would result in an increase exceeding ~~ten thousand dollars (\$10,000)~~ **fifty thousand dollars (\$50,000.00)**, or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total. If the county executive requests in writing, the County Legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated. On or before the 15th day of the following month the County Executive shall provide the Legislature a monthly report of all transfers made pursuant to this section.

Introducer's Memorandum to Recommendation Intro No 2

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation to Amend Article 22, Section 2205(7) to permit the advisory board creating authority to abolish the board when deemed appropriate. The County Attorney's Office reviewed and provided the following analysis, "Article 22, Section 2205(7) currently provides that the advisory board creating authority (the CE or the ECL) may recommend to the ECL that a board be abolished if it fails to meet regularly. This language could result in a situation where the ECL is recommending to itself that a board be abolished and could also result in a situation where the CE required to obtain legislative approval to abolish a board of his own creation.

Recommendation

Amend Article 22, Section 2205(7) of the Charter as follows:

7. Advisory boards shall meet at least four times per year, and meetings shall be held in compliance with the Open Meetings Law. If a board fails to hold the minimum number of meetings, the creating authority shall investigate why, and is authorized to remove an in-effective chair or any inactive members, or to recommend that the legislature abolish the board **when deemed appropriate.**

Introducer's Memorandum to Recommendation Intro No 3

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation is to amend Article 25, Section 2503 to "move budget due date to November 1st to allow more sales tax data to be reflected in Executive Recommendation." The County Attorney's Office has reviewed and finds there is no legal impediment to implementing this proposed amendment.

Recommendation

Section 2503. Tentative budget and capital program by County Executive. On or before the ~~15th~~ 1st day of November ~~October~~ of each year the County Executive shall submit to the County Legislature a tentative budget for the ensuing fiscal year. a financial forecast for the three (3) subsequent years. a capital program for the next six (6) fiscal years and an accompanying message.

Introducer's Memorandum to Recommendation Intro No 4

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation to Amend Article 25, Section 2504 is to remove the County Attorney and formally add the Parks Commissioner, DPW Commissioner, and the Deputy County Executive to the capital projects committee membership. This was reviewed by County Attorney's Office and it was determined there is no legal impediment to implementing this proposed amendment.

Recommendation

Amend Article 25, Section 2504(2) of the Charter as follows:

2. Capital Projects Committee. To assist in the consideration of capital projects and the capital program, there shall be a Capital Projects Committee consisting of the County Executive, the Deputy County Executive, the Comptroller, the Budget Director, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Parks and Recreation, the Commissioner of the Department or Public Works, the County Attorney, and such other administrative heads as the County Executive may designate, and the following members of the County Legislature; the chair, the chair of the Finance and Management Committee, and the majority and minority leaders. The County Executive shall be solely responsible for the capital program and budget as submitted to the County Legislature and no members of the latter body shall be obliged to support any project by reason of membership on the Capital Projects Committee. The County Executive shall be the chair and the Budget Director shall be the vice chair of this committee.

Introducer's Memorandum to Recommendation Intro No 5

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation is to amend Article 25, Section 2508(3) to contemplate the restoration of budgetary levels equal to those proposed prior to reductions made in contemplation of additions or increases which ultimately fail upon reconsideration. The County Attorney reviewed this and provided the following analysis: "this proposed amendment would provide clarity relative to the consequences of a budgetary process currently not contemplated by the Charter."

Recommendation

Amend Article 25, Section 2508(3) of the Charter as follows:

3. The County Executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he or she objects with the reasons for his or her objections, and shall return the budget with his or her objections to the Clerk of the County Legislature who shall present the same to the County Legislature on or before the seventh business day after the sixth of December. The County Legislature shall thereupon enter the objections upon its jour-nal and proceed to reconsider the additions and increases so objected to. If upon such re-consideration two thirds of all members of the County Legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any addition and increases not so objected to by the County Executive, shall be deemed adopted. **If upon such reconsideration two third of all members of the County Legislature fail to approve such additions and increases so objected to, the budget excluding such addition and increases shall be deemed adopted and any budgetary reductions made in contemplation of such excluded**

additions and increases shall re-vert back to their originally proposed funding levels.

Introducer's Memorandum to Recommendation Intro No 6

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation is to clarify how conflicts between Section 2205 and the absence of rules for committees and boards in other sections is resolved; "Where written language is absent all boards will conform to the rules of section 2205" or "committees and Boards with rules explicitly written in the charter will disregard section 2205" This was reviewed by the County Attorney's Office and the following analysis was provided, "Article 22, Section 2205 ("2205") of the Charter currently provides that " ... Unless otherwise stipulated elsewhere in this charter or through NYS law, advisory boards for Erie County shall be constituted as follows:" This current language functions to allow for specific Erie County advisory boards established in the Charter or state law to deviate from the default framework provided for by 2205. Given this language, there are no conflicts between 2205 and other sections of the charter which establish the composition of advisory boards outside of the framework provided in 2205; however, advisory boards solely established in the Erie County Administrative Code are not contemplated here and therefore could be in conflict with 2205."

Recommendation

Amend the first paragraph of Article 22, Section 2205 of the Charter as follows:

Section 2205. Advisory boards. To better fulfill the purpose, responsibilities and goals of each department of the County, or comply with the requirements of NYS law, citizens' advisory boards may be established. Unless otherwise stipulated elsewhere in this charter, **the Erie County Administrative Code**, or through NYS law, advisory boards for Erie County shall be constituted as follows:

Introducer's Memorandum to Recommendation Intro No 7

Sponsored by Commission Member: Gerald Paradise III, as a commission member.

The intent and purpose of this recommendation is to add language to the Charter to allow for public comment during Legislative sessions. Several speakers at the public hearings as well as written correspondence to the Commission stated they were in favor of allowing the public to speak at Legislature meetings similar to what occurs at Town Board meetings.

Recommendation

Add a section in the Charter; Section 212.

“Public Comment. At the beginning of every meeting of the Legislature there shall be an opportunity given to members of the public in attendance to address the Legislature. The Chair of the Legislature shall be empowered to create rules regarding public comment and such rules must be published on the county website.”

Introducer's Memorandum to Recommendation Intro No 8

**Sponsored by Commission Member: Gerald Paradise III, as Chair
and on behalf of the Budget, Operations, & Miscellaneous Committee**

The intent and purpose of this recommendation is to strike a balance between maintaining the oversight over contract extensions by the Legislature, while also allowing greater flexibility in allowing extensions to be slightly longer than currently allowed before approval is required.

Recommendation

Amend- Article 26, Section 2602A of the Charter as follows:

“Section 2602A. Amendments to contracts. No contract to which the County of Erie is a party, regardless of prior authorization granted to the County Executive or any other individual acting on behalf of the County, shall be amended to extend the stated terms of the contract, including any explicitly options to extend, in excess of ~~three~~ **six** months beyond the terms stated in the original contract, without the approval of the Legislature.

Introducer's Memorandum to Recommendation Intro No 9

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee.

Department of Probation

The intent and purpose of this recommendation is to clarify titles that require Peace Officer status so that future commissioners and deputies' qualifications are more clearly stated. This is recommended by the Department of Probation and reviewed the County Attorney's Office providing the following analysis, "Title 9, Section 347(4)(f) of the New York Codes Rules and Regulations empowers the NYS Commissioner of the Division of Criminal Justice Services to promulgate required qualifications of probation professional personnel to include commissioners and deputy commissioners of probation departments."

Recommendation

Amend Article 22, Section 2203 of the Charter as follows:

Section 2203. Department of Probation. There shall be a Department of Probation headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature. Probation **Administrators**, Officers, and Supervisors staffing the Probation Department shall be New York State Certified Peace Officers and have met the mandated training requirement of a Probation Officer **as required by law and** as specified by the New York Department of Criminal Justice Service and **shall be** appointed under the provisions of New York Civil Service Law.

Introducer's Memorandum to Recommendation Intro No 10

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee.

Department of Central Police Services

The intent and purpose of this recommendation is to amend wording regarding applicants, so it isn't as strict and hurts the process of filling vacancy in the future. This is recommended by the Department of Central Police Services Planning and reviewed the County Attorney's Office, who provides there is no legal impediment to this change.

Recommendation

Amend Article 15, Section 1501 of the Charter as follows:

Section 1501. Department or Central Police Services: Commissioner. There shall be a Department of Central Police Services, the head of which shall be the Commissioner of Central Police Services. He or she shall be appointed by the County Executive, subject to confirmation by the County Legislature, from a list of ~~six qualified~~ candidates **provided by the Central Services Board of Trustees.** The list shall name six qualified candidates including at least one female candidate and at least one candidate from an under-represented minority group. ~~one of which must be female, and an additional one of which must be from an underrepresented minority group, provided by the Central Police Service Board of Trustees.~~

~~Should the Central Police Services Board of Trustees be unable to identify qualified candidates who meet the description herein, they shall submit a list qualified candidates in such quantity and demographic as may be identified and available at the time of vacancy or impending vacancy in the Office of the Commissioner.~~ The Commissioner shall serve at the pleasure of the County Executive.

Introducer's Memorandum to Recommendation Intro No 11

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee

Department of Environment and Planning

The intent and purpose of this recommendation is to add #8 to Section 1002, creating language that the commissioner ensures compliance with County Local Law 18 and all applicable local, state, and federal regulations around county's affordable housing initiatives. Additionally, in Charter Section 1004.3, adding word "wetlands" in second sentence in second paragraph. This is recommended by the Environment and Planning and reviewed the County Attorney's Office providing the following analysis, "In relation to the promotion of fair housing in Erie County, Erie County Local Law 4-2018 states that: 'The County Executive shall designate the Commissioner of the Department of Environment and planning to perform enforcement ...', and further states that: 'The (Erie County Fair Housing) Board shall be staffed by the Department of Environment and Planning and its Commissioner shall serve as an ex-officio, non-voting member of the Board. There is no legal impediment to amending Section 1004.3 to include the term "wetlands."'

Recommendation

Amend Article 10, Section 1002(6) and Section 1004.3 as follows:

Section 1002. Powers and duties of Commissioner. The Commissioner of Environment and Planning shall have the following powers and duties:

1. He or she shall administer the planning, environmental compliance, drainage, flood control, solid waste management, sewerage planning, construction and management functions vested in the executive branch of the County government, provided, how-ever, that this provision shall not be deemed to restrict the powers or duties of any administrative body appointed, designated, or established in accordance with article five a of the County law and the Erie County Charter and Administrative Code.
2. He or she shall head the Department of Environment and Planning, supervise and direct its officers and employees, and make such assignments of powers and duties among them as he or she may consider advisable.
3. He or she may promulgate, administer, enforce and amend a county environmental quality code, as provided for by ~~pursuant to section nine hundred three of this charter~~ this Article. (Previous section 903 is now

1003. This amendment is recommended to prevent future inconsistencies).

4. He or she may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders or programs in relation to the control, enhancement and preservation of environmental resources.
5. He or she shall advertise and call for bids on the construction of each sewer project of the County and such other projects as may be assigned to this department by the County Legislature, open such bids publicly, tabulate them and submit recommendations with respect thereto to the County Legislature and County Executive.
6. He or she shall have such additional powers and duties as may be prescribed by law, regulation, and the County Executive.
7. He or she shall have all powers necessary or proper to the exercise of any of the duties or functions of the Commissioner of the Department of Environment and Planning.

Section 1004.3. Powers, duties and functions of the Council. The Council shall review and investigate ecologically sound methods of planning the use of the County's resources. In conjunction with the Deputy Commissioner of Environmental Compliance it shall prepare an annual recommendations report based on that investigation and transmit same to the County Executive and the Legislature. The report shall include a section on the needs of those living in areas of urban or rural poverty where the impact of environmental degradation may be more severe.

The Council shall keep an index of all open areas within the County, with the plan of obtaining information pertinent to sound ecological utilization of such areas including land owned by any municipality within the County. It shall keep an index of all wetlands, open marsh lands swamps, and all other wet lands in a like manner. and may recommend a program for their ecologically suitable utilization. The Council shall develop and maintain an inventory of natural resources within the County and such other environmental information as may be appropriate. Said inventory shall include wetlands and open spaces and may include, but not be limited to, factors relating to geology, soils, slope, water resources, vegetation, wildlife habitat unique natural areas, and scenic, historic, and archaeological sites.

Introducer's Memorandum to Recommendation Intro No 12

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee.

Department of Information and Support Services

The intent and purpose of this recommendation is to the change following titles:

- 1) "Director of Information and Support Services" to "Chief Information Officer"
- 2) "Director of Data Processing" to "Director of Information Technology"
- 3) "data processing" to "information technology"

This was reviewed by the County Attorney's office who indicated there are no legal impediments to implementing the suggested amendments.

Recommendation

Amend Article 3, Section 310 of the Charter as follows:

Section 310. Division of Information and Support Services.

- 1) There shall be in the office of the County Executive a Division of Information and Support Services, headed by a **Chief Information Officer** ~~Director of Information and Support Services~~ who shall be appointed by and serve at the pleasure of the County Executive. The ~~Director~~ **Chief Information Officer** shall provide such information and support services as provided for in the Administrative Code and shall operate such other central facilities as may be established by the County Executive within the appropriations provided there for.
- 2) Within the Division of Information and Support Service there shall be an Office of **Information Technology Data Processing**, headed by the Director of **Information Technology Data Processing** who shall be appointed by and serve at the pleasure of the County Executive. The Director shall be a person meeting such qualifications as may be set out in this Charter or in the Administrative Code at the time of his or her appointment. The Director shall perform such **information technology data processing** services as provided for in the Administration Code.
- 3) Subject to the approval of the County Legislature, the County Executive may enter into a contract with the federal government, state government or any municipal corporation to provide **information technology data processing** services to such governments or units of government.

Introducer's Memorandum to Recommendation Intro No 13

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee

Department of Senior Services

The intent and purpose of this recommendation to change "Senior Services" to Department of the Aging, change all instances of senior citizens to older adults and in section 16.03 and make modifications as the advisory board of code, refers back to charter, but charter doesn't specify terms of advisory board"

The County Attorney's Office's reviewed this recommendation and identified that there are no legal impediments to implementing the first two suggested amendments. Further, "Department for the Aging" is appropriate. Finally, "the intent of Section 16.03 of the Administrative Code is to defer to the general provisions of Article 22, Section 2205 of the Charter as they relate to advisory board establishment and composition and not Article 16 of the Charter which establishes and describes the Department of Senior Services."

Recommendation

Amend Article 16 of the Charter as follows:

Article 16 - Department ~~for the Aging of Senior Services~~ • Charter

Section 1601 Department ~~for the Aging of Senior Services~~; Commissioner

Section 1602 Powers and duties

Section 1603 Advisory board

Section 1601. Department ~~for the Aging of Senior Services~~; Commissioner.

There shall be a Department ~~for the Aging of Senior Services~~, the head of which shall be the Commissioner. The Commissioner of said department shall be appointed by and shall serve at the pleasure of the County Executive.

Section 1602. Powers and duties. The Commissioner of the department shall:

1. Act as a local administrative officer for planning and coordination of services for ~~older adults senior citizens~~ cooperation with the County Executive and the County Legislature;
2. Serve as an advocate in order to make existing service systems more effective and accessible to ~~older adults senior citizens~~;
3. Assess the future needs of ~~older adults senior citizens~~ the continuance of beneficial programs and to implement additional services according to need and de-mographics including handicapped and disabled ~~older adults senior citizens~~;

4. Apply for such federal and state funds and grants as may be beneficial to ~~older adults senior citizens~~;
5. Function as a coordinator with the cities, towns and villages within the County for community - based systems for ~~older adults senior citizens~~;
6. Gather and disseminate information relating to the needs of the aging and inform the public through an awareness program of the services and facilities available to ~~older adults senior citizens~~;
7. Initiate and monitor programs to preserve the safety of ~~older adults senior citizens~~ with respect to transportation services and crime prevention;
8. Perform such further duties as may be prescribed or directed by the County Executive or the County Legislature.

Section 1603. Advisory board. There shall be established an advisory board to the Department ~~for the Aging of Senior Services~~.

Introducer's Memorandum to Recommendation Intro No 14

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee

Department of Social Services

The intent and purpose of this recommendation to modify the language in Section 1204, Youth Bureau Board. This recommendation was made by the Department of Social Services and reviewed by the County Attorney's Office. The County Attorney's Office does NOT recommend the charter be revised as in defining a Municipal youth bureau, 412(8) describe typical activities engaged in by such boards but does not assign powers or duties.

Recommendation

Section 1204. Youth Bureau Board. There shall be established a Youth Bureau Board to the Division of Youth Services of the Department of Social Services **which shall have the powers and duties assigned to Municipal youth bureaus under Executive Law or other applicable law.**

Introducer's Memorandum to Recommendation Intro No 15

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee

The intent and purpose of this recommendation is "Amend Article 17, Section 1701 of the Charter to remove the requirement to appoint the Commissioner of Public Advocacy from among the department's division directors so that the commissioner and one of the division directors need not serve in two positions simultaneously." The County Attorney reviewed this recommendation and found it to align the Charter with the department's current structure and operations as budgeted by the County Legislature and remove an unnecessary limitation on who may serve as commissioner. Further, it would allow the commissioner and division directors to better devote individual time and attention to carrying out their respective duties and missions. This amendment would still permit the commissioner to be appointed from among the division directors as Section 1701 provides, because the County Executive already has the power and option to appoint a single individual to serve in multiple administrative head positions under Article 3, Section 307 of the Charter.

Recommendation

Amend Article 17, Section 1701 of the of the Charter as follows:

Section 1701. Department of Public Advocacy. There shall be a Department of Public Advocacy, the head of which shall be the Commissioner. The Commissioner of said Department shall be appointed ~~from among the division directors~~ by and shall serve at the pleasure of the County Executive, subject to approval of the County Legislature.

Introducer's Memorandum to Recommendation Intro No 16

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee

The intent and purpose of this recommendation to amend Article 17, Section 1705 to change the name of the advisory entity from "advisory commission to the division on the status of women" to "advisory board to the division on the status of women." The County Attorney's Office reviewed this and found no legal impediment to implementing this proposed amendment.

Recommendation

Amend Article 17, Section 1705 of the Charter as follows:

Section 1705. Advisory ~~Board Commission~~ to Division on the Status of Women. There shall be an ~~Advisory Board~~. The ~~Board Commission~~ shall consist of nine to fifteen members to be appointed by the County Executive subject to confirmation by the County Legislature. The County Executive shall appoint to the ~~Board Commission~~ at least two persons recommended by each of the majority and minority leaders of the Legislature.

Nominations for the remaining positions shall be actively solicited from groups which represent and are active in the area of women's concerns. The Departments of Health, Mental Health, Senior Services, Social Services, Youth Services, and the Equal Employment Opportunity Office shall each designate one person to serve as an ex-officio non-voting member of the ~~Board Commission~~. The membership of the ~~Board Commission~~ shall reflect the diversity of women and their concerns in Erie County.

No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each.

The ~~Board Commission~~ shall annually designate one member to serve as ~~Board Commission~~-chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, ~~Board Commission~~ shall appoint a successor to that office from the ~~Board's Commission~~ membership.

The County Executive shall require any county department, division, board, council, committee, authority or agency, or other unit to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Introducer's Memorandum to Recommendation Intro No 17

Sponsored by Commission Member: William Schmid, as Chair and on behalf of the Executive Committee

Department of Social Services

The intent and purpose of this recommendation to change the term “welfare” to “services,” and insert language as necessary by New York State Law. This is recommended by the Department of Social Services and review by the County Attorney's Office. The County Attorney's Office supports the modifications to 1201 and 1202. N.Y. Social Services Law §116 establishes the term length of five years.

Recommendation

Section 1201. Department of Social Services; Commissioner; County Welfare Act repealed. There shall be a Department of Social ~~Welfare~~ **Services** headed by a Commissioner who shall be appointed by the County Executive subject to confirmation by the County Legislature **for a five-year term**. The Erie County Social Welfare Act, being chapter twenty-eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1202. Powers and duties of the Commissioner. Except as otherwise provided in this Charter, the Commissioner of Social Services shall have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the ~~Social Welfare~~ **Social Services** Law or other applicable law and perform such additional and related duties as the County Executive may prescribe.