

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intent and purpose of this recommendation is to adjust the dollar amount to account for inflation from the time it was originally enacted.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 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 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.

Introducer's Memorandum to Recommendation Intro No 19

Sponsored by Commission Member William Schmid & Scott Kroll

The intent and purpose of this recommendation is to remove personal pronouns from the Erie County Charter in order to be inclusive of all potential individuals in Erie County government. Rather than include currently used personal pronouns, and also to avoid the necessity of anticipating future usage of not included pronouns, using descriptive nouns serves the purpose of being inclusive. The usage of nouns also removes potential ambiguity that the use of pronouns may cause.

Amend- Article 2, Section 202.1 of the Charter as follows:

Section 202.1. Qualifications and eligibility of County legislators. At the time of nomination or appointment and throughout the term of office, each County legislator shall be a duly qualified elector of the legislative district from which ~~he or she~~ the County legislator is elected. A County legislator shall not hold any other salaried elective public office during ~~his or her~~ the County legislator's tenure. Where a vacancy in an appointive County office takes place and the right to fill said vacancy is vested in the County Executive, subject to confirmation by the County Legislature, or the power of appointment is vested in the County Legislature, a person, otherwise qualified, who is a member of the County Legislature at the time the vacancy occurs may be appointed to fill the vacancy provided ~~he or she~~ the County legislator shall have resigned prior to such appointment.

Amend- Article 2, Section 202.1 of the Charter as follows:

Section 205. Procedure for adoption of local laws. Every local law adopted by the County Legislature shall be certified by the Clerk thereof after its adoption by such body and shall be presented to the County Executive for approval by him or her. No local law shall be approved by the County Executive until a public hearing thereon has been held before him or her. This hearing shall be held on public notice of at least five days, such notice to be given by the County Executive within ten days after the local law shall have been presented to him or her, and the hearing shall be held within twenty days after such presentation. If the County Executive approves the local law, ~~he or she~~ the County Executive shall sign it and return it to the Clerk of the County Legislature. If ~~he or she~~ the County Executive

disapproves it ~~he or she~~ the County Executive shall return it to the Clerk with ~~his or her~~ the County Executive's objections stated in writing, and the Clerk shall present the law with such objections to the County Legislature at its next regular meeting. Such objections shall be entered in the Legislature's record of proceedings. The County Legislature within thirty days thereafter may reconsider the local law. If after the reconsideration such local law is repassed by a vote of at least two thirds of the total voting power of the County Legislature, it shall be deemed adopted, notwithstanding the objections of the County Executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record of proceedings. If within thirty days after a local law shall have been presented to him or her the County Executive shall neither approve it nor return it to the Clerk with ~~his or her~~ the County Executive's objections, the local law shall be deemed to be adopted in like manner as if ~~he or she~~ the County Executive had signed it. At any time prior to the approval of a local law or to its return by the County Executive, the County Legislature may recall the same and reconsider its action thereon.

Amend- Article 3, Section 301 of the Charter as follows:

Section 301. The County Executive; election; term; qualifications. The executive branch of County government shall be administered by the County Executive who shall be elected from the County at large. ~~His or her~~ The County Executive's term of office shall begin with the first day of January next following ~~his or her~~ the County Executive's election and shall be for four years, except that the term of the County Executive elected in nineteen hundred sixty shall be for three years. At the time of ~~his or her~~ the County Executive's election and throughout ~~his or her~~ the County Executive's term of office ~~he or she~~ the County Executive shall be a qualified elector of the County. ~~He or she~~ The County Executive shall devote ~~his or her~~ the County Executive's whole time to the duties of ~~his or her~~ the County Executive's office and shall hold no other public office, except as provided in section three hundred seven hereof.

Amend- Article 3, Section 303, paragraph 3 of the Charter as follows:

3. Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which ~~he or she~~ the County Executive has power to appoint.

Amend- Article 3, Section 306 of the Charter as follows:

Section 306. Division of Purchase; Purchasing Act repealed. There shall be in the office of the County Executive a Division of Purchase, headed by a Purchasing Director who shall be appointed by and serve at the pleasure of the County Executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years professional training in the area of purchasing, or shall possess a combination of said requirements totaling at least five years. The Purchasing Director shall, in accordance with requirements as to advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the County, except as otherwise provided in this Charter or the Administrative Code. ~~He or she~~ The Purchasing Director shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to the availability of funds. The Erie County Purchasing Act, being chapter one hundred sixty seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty one. Amended by Local Law No. 5 1980.

Amend- Article 5, Section 502 of the Charter as follows:

Section 502. Powers and duties of the Commissioner. Except as otherwise provided in this Charter, the Commissioner of Health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law. ~~He or she~~ The Commissioner of Health shall perform such additional and related duties as the County Executive may prescribe.

The Commissioner shall supervise and be responsible for, and shall appoint and have charge of the County medical examiners and their staff, which County medical examiners

shall be physicians duly licensed to practice in the State of New York. The medical examiners shall have such powers and duties as are or may be prescribed by any state law, county law, special act, or local law, including any duties previously assigned to the Medical Director as regards inquiries into deaths occurring without medical attendance. The Chief Medical Examiner shall be keeper of the morgue.

Amend- Article 6, Section 601 of the Charter as follows:

Section 601. Department of Law; County Attorney. There shall be a Department of Law headed by the County Attorney, who shall be appointed by the County Executive subject to confirmation by the County Legislature. ~~He or she~~ **The County Attorney** shall be a member in good standing of the bar of the State of New York.

Amend- Article 6, Section 602 of the Charter as follows:

Section 602. Powers and duties. The County Attorney shall be the legal advisor for the County and, on its behalf in County matters, of its officers and administrative units. ~~He or she~~ **The County Attorney** shall, in all County legal matters of a civil nature, advise all County officers and employees and, where in the interest of the County, prepare all necessary papers and written instruments in connection therewith, prosecute or defend all actions or proceedings of a civil nature brought by or against the County; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the County Legislature, together with notices and other items in connection therewith; and perform such additional and related duties as may be prescribed by law, by the County Executive or by resolution of the County Legislature.

Amend- Article 9, Section 902 of the Charter as follows:

Section 902. Powers and duties. The Commissioner of Personnel shall have, with reference to the civil service of the County, the powers and duties of a county civil service commissioner as provided by the Civil Service Law, and, ~~he or she~~ **the Commissioner of Personnel** shall be subject to supervision and control by the State Civil Service

Commission as are county civil service commissions. Provided, however, that the State Civil Service Commission shall have exclusive jurisdiction to prepare and rate examinations and establish eligibility lists for all positions under the jurisdiction of the County Personnel Commissioner. The Commissioner shall perform such additional and related duties as the County Executive may prescribe.

Amend- Article 10, Section 1001 of the Charter as follows:

Section 1001. Department of Environment and Planning; Commissioner; qualifications. There shall be a Department of Environment and Planning headed by a Commissioner. ~~He or she~~ **The Commissioner** shall be appointed by the County Executive, subject to confirmation by the County Legislature. ~~He or she~~ **The Commissioner** shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental resource programs or regional, county or municipal planning.

Amend- Article 10, Section 1002 of the Charter 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~~ **The Commissioner** 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, however, 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~~ **The Commissioner** 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~~ **the Commissioner** may consider advisable.

3. ~~He or she~~ The Commissioner may promulgate, administer, enforce and amend a county environmental quality code, pursuant to section nine hundred three of this charter.
4. ~~He or she~~ The Commissioner 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~~ The Commissioner 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~~ The Commissioner shall have such additional powers and duties as may be prescribed by the County Executive.
7. ~~He or she~~ The Commissioner 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.

Amend- Article 10, Section 1003 of the Charter as follows:

Section 1003. County environmental quality code. To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the Public Health Law to formulate, promulgate, adopt, publish and enforce rules, regulations, orders and directions for the security of life and health to be known as a sanitary code may be exercised by the Commissioner of Environment and Planning in formulating, promulgating, adopting, publishing and enforcing an environmental quality code. The Commissioner may also promulgate such other and additional rules and regulations as ~~he or she~~ the Commissioner shall consider appropriate to enhance the quality, use and enjoyment of air, water and other resources within the County, in furtherance of public health, safety, and welfare. This shall not be deemed to limit the authority of the Commissioner of Health or the Board of Health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or amendment of the County environmental quality code, the

Commissioner shall conduct a public hearing, pursuant to the procedures set forth in section 9.06(a) of the Erie County Administrative Code. Following such public hearing, if the Commissioner's decision is to adopt said proposed code or amendment, ~~he or she~~ the Commissioner shall file a copy of the said preliminary decision with the Clerk of the Legislature. If the County Legislature shall so direct, pursuant to section 9.06(a) of the Erie County administrative code, the Commissioner shall conduct a second public hearing.

Nothing in this section shall be construed to mean that the Commissioner must promulgate or enforce such rules, regulations, orders and directions except as ~~he or she~~ the Commissioner has the necessary staff and funds to do so.

Amend- Article 11, Section 1001 of the Charter as follows:

Section 1101. Department of Public Works; Commissioner; Qualifications. There shall be a Department of Public Works headed by a Commissioner. ~~He or she~~ The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature and shall be a professional engineer licensed and registered by the State of New York.

Amend- Article 13, Section 1301 of the Charter as follows:

Section 1301. Department of Mental Health; Commissioner. There shall be a Department of Mental Health, the head of which shall be the Commissioner of Mental Health. ~~He or she~~ The Commissioner shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall meet those qualifications fixed by the State Office of Mental Health and in existence at the time of ~~his or her~~ the Commissioner's appointment.

Amend- Article 13, Section 1302 of the Charter as follows:

Section 1302. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Mental Health shall have all the powers and perform all the duties

conferred or imposed upon directors of mental health and/or community health boards by law. Within appropriations made available there for, the Commissioner shall perform all duties with respect to child mental health services. The Commissioner or ~~his or her~~ the Commissioner's designee shall serve as the Director of Community Services prescribed by Mental Hygiene Law §41.09. ~~He or she~~ The Commissioner shall perform such additional and related duties as the County Executive may prescribe.

Amend- Article 14, Section 1401 of the Charter as follows:

Section 1401. Department established; Commissioner of Homeland Security and Emergency Services. There shall be a Department of Homeland Security and Emergency Services, the head of which shall be the Commissioner of Homeland Security and Emergency Services. ~~He or she~~ The Commissioner shall be appointed by the County Executive subject to confirmation by the County Legislature to serve at the pleasure of the County Executive.

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

Section 1501. Department of 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~~ The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, from a list of six qualified candidates, one of which must be female, and an additional one of which must be from an under-represented minority group, provided by the Central Police Services Board of Trustees. The Commissioner shall serve at the pleasure of the County Executive.

Amend- Article 18, Section 1801 of the Charter as follows:

Section 1801. Election; Comptroller's Act repealed. There shall be a County Comptroller who shall be elected from the County at large. ~~His or her~~ The County Comptroller's term of office shall begin with the first day of January next following ~~his or her~~ the County Comptroller's election and shall be for four years. At the time of ~~his or her~~ the County

Comptroller's election and throughout ~~his or her the County Comptroller's~~ term of office ~~he or she the Comptroller~~ shall be a qualified elector of the County. ~~He or she The Comptroller~~ shall devote ~~his or her the County Comptroller's~~ whole time to the duties of ~~his or her the County Comptroller's~~ office and shall hold no other public office. The Erie County Comptroller's Act, being chapter four hundred twenty three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Amend- Article 19, Section 1901 of the Charter as follows:

Section 1901. Election. There shall be a County Clerk who shall be elected from the County at large. ~~His or her The County Clerk's~~ term of office shall begin with the first day of January next following ~~his or her the County Clerk's~~ election, and shall be for four years except as otherwise provided in this Charter. At the time of ~~his or her the County Clerk's~~ election and throughout ~~his or her the County Clerk's~~ term of office ~~he or she the Clerk~~ shall be a qualified elector of the County. ~~He or she the Clerk~~ shall devote ~~his or her the County Clerk's~~ whole time to the duties of ~~his or her the County Clerk's~~ office and shall hold no other public office.

Amend- Article 19, Section 1902 of the Charter as follows:

Section 1902. Powers and duties. Except wherein consistent with this Charter, the County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law. ~~He or she the Clerk~~ shall perform such additional and related duties as may be prescribed by local law.

Amend- Article 20, Section 2001 of the Charter as follows:

Section 2001. Election. There shall be a District Attorney who shall be elected from the County at large. ~~His or her The District Attorney's~~ term of office shall begin with the first day of January next following ~~his or her the District Attorney's~~ election, and shall be for four years except as otherwise provided in this Charter. At the time of ~~his or her the District~~

Attorney's election and throughout ~~his or her~~ the District Attorney's term of office ~~he or she~~ the District Attorney shall be a qualified elector of the County. ~~He or she~~ The District Attorney shall devote ~~his or her~~ the District Attorney's whole time to the duties of ~~his or her~~ the District Attorney's office and shall hold no other public office.

Amend- Article 20, Section 2002 of the Charter as follows:

Section 2002. Powers and duties. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. ~~He or she~~ ~~The District Attorney~~ shall perform such additional and related duties as may be prescribed by local law.

Amend- Article 21, Section 2101 of the Charter as follows:

Section 2101. Election. There shall be a Sheriff who shall be elected from the County at large. ~~His or her~~ The Sheriff's term of office shall begin with the first day of January next following ~~his or her~~ the Sheriff's election and shall be for four years except as otherwise provided in this Charter. At the time of ~~his or her~~ the Sheriff's election and throughout ~~his or her~~ the Sheriff's term of office ~~he or she~~ the Sheriff shall be a qualified elector of the County. ~~He or she~~ the Sheriff shall devote ~~his or her~~ the Sheriff's whole time to the duties of ~~his or her~~ the Sheriff's office and shall hold no other public office.

Amend- Article 21, Section 2102 of the Charter as follows:

Section 2102. Powers and duties. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. ~~He or she~~ The Sheriff shall perform such additional and related duties as may be prescribed by local law.

Amend- Article 25, Section 2507 of the Charter as follows:

Section 2507. Budget controls.

1. No County officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. If one or more of the independently elected officials (Clerk, Comptroller, District Attorney, Sheriff) becomes aware of a deficit or impending deficit in ~~his or her~~ **the elected official's** department, ~~he or she~~ **the elected official** shall notify the Legislature immediately so that, subject to section 2510 of this Charter, remedial action can be taken. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two thirds vote of the County Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

Amend- Article 25, Section 2508 of the Charter as follows:

Section 2508. Adoption of budget.

1. The County Legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The County Legislature after one

or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the Budget Committee to the County Legislature concerning amendments to the County Executive's tentative budget shall be presented to the Legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the Budget Committee report, or less than forty eight hours prior to the annual meeting, shall be considered separately with each line item voted on individually on the floor of the legislature.

2. If the budget is passed by the County Legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the County Executive; if, however, the budget as passed by the County Legislature contains any such additions or increases, the same shall be presented by the Clerk of the Legislature to the County Executive not later than the second business day after the sixth of December, for ~~his or her~~ the County Executive's consideration of such additions or increases. If the County Executive approves all additions and increases, ~~he or she~~ the County Executive shall affix ~~his or her~~ the County Executive's signature to a statement thereof and return the budget and such statement to the Clerk of the Legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.
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~~ the County Executive objects with the reasons for ~~his or her~~ the County Executive's objections, and shall return the budget with ~~his or her~~ the County Executive's 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 journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration 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 additions and increases not so objected to by the County Executive, shall be deemed adopted.

4. If a budget with additions or increases is not returned by the County Executive to the Clerk of the Legislature with ~~his or her~~ the County Executive's objections on or before the seventh business day after the sixth of December, it shall be deemed adopted.
5. If a budget has not been adopted, as herein provided, on or before the tenth business day after the sixth December in each year, then the tentative budget as submitted by the County Executive, plus all additions and increases to which ~~he or she~~ the County Executive has failed to object, shall be the budget for the ensuing fiscal year.
6. Four copies of the budget as adopted shall be certified by the County Executive and by the Clerk of the County Legislature. One such copy shall be filed in the office of the County Executive, and one each in the offices of the County Comptroller, the Commissioner of Finance and the Clerk of the County Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Amend- Article 26, Section 2601 of the Charter as follows:

Section 2601. Administrative unit defined; administrative and advisory boards.

"Administrative unit" shall mean any department, executive division, institution, office or other agency of County government except a bureau, division, section or other subordinate part of any of the foregoing.

The Board of Trustees of the Buffalo and Erie County Public Library and the Board of Trustees of the Erie County Technical Institute shall continue to be administrative boards heading the respective administrative units. Every other board, all appointive members of which are appointed by the County Executive, shall be an advisory board. An advisory board shall have no administrative or appointive powers but, when requested by the County Executive, shall assist him or her in the recruitment of candidates to fill a vacant position as head of the respective administrative unit.

Except as otherwise provided in this Charter, advisory boards shall consist of such numbers and the members thereof shall be appointed for such terms as may be provided in the Administrative Code. In the absence of any such provision, the number of members shall be not less than five nor more than fifteen as determined by the County Legislature and appointments shall be for five year staggered terms. Initial appointments shall be for

such periods as will result, as nearly as practicable, in the same number of term expirations each year. If a vacancy occurs other than by the expiration of a term, appointment to fill such vacancy shall be for the unexpired portion of such term.

Before approving or vetoing any local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the County Executive shall refer such local law or ordinance to such advisory board for consideration and recommendation.

It shall be the duty of each advisory board to study conditions in its respective field, with particular reference to the policies and programs in Erie County, and to report its findings and recommendations to the County Executive, who shall forward the same together with any comments ~~he or she~~ the County Executive may choose to make, to the County Legislature.

Introducer's Memorandum to Recommendation Intro No 20

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

Department of Mental Health

The intent and purpose of this recommendation is to remove unnecessary language (1302) and add qualifications regarding the commissioner (1301). This recommendation by the Department of Health was reviewed by the County Attorney's Office who provided the following analysis: There is no legal impediment to specifically qualify the Commissioner's required provision of child mental health services to "appropriations made available there for." Additionally, there is no legal impediment to referencing the required qualification review. Section 41.05 of the New York State Mental Hygiene Law requires that, to be eligible for state aid, a county must establish a local governmental unit for the provision of local service, with a director of community services as its chief executive officer. Here the establishment of an Erie County Department of Mental Health and the appointment of its commissioner satisfy those respective requirements. Part 102 of Title 14 of the Code, Rules and Regulations of the State of New York (14 NYCRR 102) specifically delineates standards regarding the qualifications of a director of community services and further directs the Inter-Office Coordinating Council to promulgate procedures for the review of a candidate's qualifications against those standards articulated in 14 NYCRR 102.

Recommendation

Amend Article 13, Sections 1301 and 1302 of the Charter as follows:

Section 1301. Department of Mental Health: Commissioner. There shall be a Department of Mental Health, the head of which shall be the Commissioner of Mental Health. He or she shall be appointed by the County Executive

subject to confirmation by the County Legislature. The Commissioner shall meet ~~the those~~ qualifications required of ~~directors of community service~~ fixed by the State Office of Mental Health and in existence at the time of his or her appointment. ~~The credentials of a candidate for appointment to the position of Commissioner shall be submitted to the New York State Inter-Office Coordinating Council ("IOCC") for review pursuant to the procedures promulgated by the IOCC at the time of such submission.~~

Section 1302. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Mental Health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. ~~With appropriations made available there for~~ The Commissioner shall perform all duties with respect to child mental health services. The Commissioner or his or her designee shall serve as the Director of Community Services prescribed by Mental Hygiene Law §41.09. He or she shall perform such additional and related duties as the County Executive may prescribe.

Introducer's Memorandum to Recommendation Intro No 21

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

Department of Health

The intent and purpose of this recommendation is to modify language in section 505 to resolve conflict and be updated in the following ways:

- 1) In the Charter, the Public Health Lab Director is a CSEA position, but Section 505 gives the Commissioner power to appoint. Modifying this language would resolve a conflict with the plain reading and Labor agreements.
- 2) Change Public Health Council as its full name is Public Health and Health Planning Council.

This language has been reviewed by County Attorney's office who provided the following analysis:

- 1) Amend the Charter to remove appointing authority from the Department of Health Commissioner relative to the positions of Director of the Public Health Lab and Director of the Division of Services to Persons with Special Needs.
- 2) There is no legal impediment to this change.

Recommendations

Amend Article 5, Section 505 of the Charter as follows:

Section 505. County Laboratory District; County Laboratory; Director. The County, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the Department an Erie County Laboratory headed by a Director. The Commissioner of Health shall appoint as Laboratory Director a person who shall possess such qualifications as may be prescribed by the Public Health

and **Health Planning** Council of the State of New York for a clinical laboratory director. Such appointments shall be for the term or balance thereof of the Commissioner making such appointment.

The Director shall exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the County Charter, by the Administrative Code, by order or direction of the Commissioner of Health and by any applicable act of the Legislature not inconsistent with the County Charter or the Administrative Code. Such powers and duties shall include, but shall not be limited to, any power or duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the Public Health Law or other applicable law.

Introducer's Memorandum to Recommendation Intro No 22

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

Department of Health

The intent and purpose of this recommendation is to modify language in multiple sections in 506. These modifications include changing language signifying the Department of Health is led by a Director, not Deputy Commissioner, make changes that are consistent with the Department, removing the word adults as this division only serves birth to five, change the spelling of insure to ensure (as it's currently incorrect) and finally remove medical needs as this division only handles development. The County Attorney reviewed this recommendation and found no legal impediment to these changes.

Recommendations

Amend Article 5, Section 506 of the Charter as follows:

Section 506. Division of Services to Persons with Special Needs; ~~Deputy Commissioner~~ Director. There shall be in the Department a Division of Services to Persons with Special Needs, headed by a ~~Deputy Commissioner~~ Director. The ~~Deputy Commissioner~~ Director shall be appointed by the Commissioner and serve at the Commissioner's pleasure. The ~~Deputy Commissioner~~ Director shall ensure the continuance of beneficial programs and implement additional services in the County for ~~adults and~~ youths with special developmental ~~medical~~ needs.

Introducer's Memorandum to Recommendation Intro No 23

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

Department of Personnel

The intent and purpose of this recommendation is to modify the term commissioner to read commission as NYS Civil Service Law Section 15(I)(b) provides that "A personnel officer (EC Commissioner of Personnel) shall have all the powers and duties of a municipal civil service commission." The reference goes to the powers and duties of the commission as a whole and not simply an individual commissioner. The County Attorney's office reviewed this and suggested the recommendations below.

Recommendations

Section 901. Department of Personnel; Commissioner: **divisions**. There shall be a Department of Personnel headed by a Commissioner, who shall be appointed by the County Executive subject to confirmation by the County Legislature **for a term of six years. Within such departments there shall be a Division of Personnel Services and a Division of Civil Service Administration and Enforcement.**

Section 902. Powers and duties.

Except as otherwise provided in this Charter, the Personnel Commissioner shall:

- (a) The Commissioner of Personnel shall have,** with reference to the civil service of the County, the powers and duties of **a county** municipal civil service commissioner as provided by the Civil Service Law, and he or she shall be subject to supervision and control by the State Civil Service Commission as are county civil service commissions, **as are county personnel officers. Provided, however, that the State Civil Service Commission shall have exclusive jurisdiction to prepare and**

~~rate examinations and establish eligibility list for all positions under the jurisdictions of the County Personnel Commissioner.~~

~~(b) The Commissioner shall perform such additional and related duties as the County Executive may prescribe.~~ Enforce all countywide Policies and Procedures for County employees.

(c) Foster and develop programs for the improvement of employee effectiveness, including programs for training and development, safety, health and counseling, with a focus on opportunities for promotion of minorities, women, veterans and individuals with disabilities.

(d) Perform such other and related duties as shall be required or delegated to him by the county executive or county legislature.

Section 903. Division of Personnel Services.

The Division of Personnel Services shall be responsible for the presentation, implementation and management of employee benefits for all County employees in accordance with County policy and the appropriate collective bargaining agreement, if applicable.

Section 904. Division of Civil Service Administration.

The Division of Civil Service Administration shall be responsible for administering and enforcing the provisions of Civil Service Law within Erie County.

Introducer's Memorandum to Recommendation Intro No 24

Sponsored by Commission Member: Jesse Simmons, as Chair and on behalf of the Legislature, Other Elected Officials & Commissions Committee

The intent and purpose of this recommendation is to amend Article 26, Section 2606 as its preempted by state law and should be replaced to correctly state that the Governor fills all vacancies in the offices of County Clerk, District Attorney or Sheriff pursuant to statute. The County Attorney's Office reviewed this and recommended change as it would eliminate conflict between state law and the Charter and end confusion caused by retaining the preempted language. "State law preempts local law with respect to the offices of County Clerk, District Attorney, and Sheriff, because those officers perform state functions according to statute despite being elected and serving at the county level. Pursuant to New York County Law§ 400(7) and the Public Officers Law, the Governor fills a vacancy in each of these elective offices by appointment. Accordingly, the County Legislature may not appoint anyone to fill a vacancy in any of these elec-tive offices as Section 2606 of the Charter provides.

Recommendation

Amend Article 26, Section 2606 of the Erie Charter as follows:

Section 2606. Filling vacancy in elective office of County Clerk, District Attorney or Sheriff. Pursuant to law, a A-vacancy, ~~otherwise than by expiration of term of removal by the Governor,~~ in the elective office of County Clerk, District Attorney or Sheriff shall be filled by the Governor by appointment, and the appointment shall continue until and including the thirty-first day of December succeeding the first annual election at which the vacancy can be filled by election. ~~pursuant to law by the County Legislature, of a qualified elector of the County having the same political affiliation as the person last elected to such office. A vacancy occurring in such office as the result of removal of the incumbent by the Governor, of a qualified elector of the County having the same political affiliation as the person last elected to such office. The person appointed by either the County Legislature or the~~

~~Governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which election a County Clerk, District Attorney, or Sheriff, as the case may be, shall be elected for the balance of the term, if any.~~

Introducer's Memorandum to Recommendation Intro No 25

Sponsored by Commission Member: Jesse Simmons, as Chair and on behalf of the Legislature, Other Elected Officials & Commissions

The intent and purpose of this recommendation is to amend Article 26, Section 2601 of the Charter to remove provisions regarding the composition of advisory boards. These provisions conflict with those contained in the default provisions of Article 22, Section 2205 of the Charter. The County Attorney reviewed this and recommended an amendment as it would work to alleviate a conflict in terms and the associated confusion of implementation. It noted by the County Attorney's office for the following on the paragraph beginning with "Before approving or vetoing ...," they stated, *"I am not aware of this provision ever being applied and am inclined to recommend its repeal."*

Recommendation

Amend Article 26, Section 2601 of the Charter as follows:

Section 2601. Administrative unit defined; administrative and advisory boards. "Administrative unit" shall mean any department, executive division, institution, office or other agency of County government except a bureau, division, section or other subordinate part of any of the foregoing.

The Board of Trustees of the Buffalo and Erie County Public Library and the Board of Trustees of the SUNY Erie County Community College shall continue to be administrative boards heading the respective administrative units. Every other board, all appointive members of which are appointed by the County Executive, shall be an advisory board. An advisory board shall have no administrative or appointive powers but, when requested by the County Executive, shall assist him or her in the recruitment of candidates to fill a vacant position as head of the respective administrative unit.

~~Except as otherwise provided in this Charter, advisory board shall consist of such number and the members thereof shall be appointed for such terms as~~

~~may be provided in the Administrative Code. In the absence of any such provision, the number of members shall be not less than five nor more than fifteen as determined by the County Legislature and appointments shall be for five year staggered terms. Initial appointments shall be for such periods as will result, as nearly as practicable, in the same number of term expirations each year. If the vacancy occurs other than by the expiration of a term, appointment to fill such vacancy shall be for the unexpired portion of such term.~~

~~Before approving or vetoing any local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the County Executive shall refer such local law or ordinance to such advisory board for consideration and recommendation.~~

It shall be the duty of each advisory board to study conditions in its respective field, with particular reference to the policies and programs in Erie County, and to report its findings and recommendations to the County Executive, who shall forward the same together with any comments he or she may choose to make, to the County Legislature.

Introducer's Memorandum to Recommendation Intro No 26

Sponsored by Commission Member: Jesse Simmons, as Chair and on behalf of the Legislature, Other Elected Officials & Commissions Committee.

Comptroller

The intent and purpose of this recommendation is to amend two sections as requested by the Comptroller's office.

- 1) Section 1801 to "Other than those powers assigned to the Department of Real Property Tax Services specifically pursuant to section 402, any reference to "County Treasurer" in state or county law shall be assumed to mean "County Comptroller."
- 2) Section 1802 of the Charter making changes that require the Comptroller to certify the availability of funds for all capital projects and mandating that the Comptroller be solely responsible for the investment of County funds. Additionally, amend Section 1802 to mandate that the Comptroller be designated as an authorized signatory on all accounts under the county's tax ID number.

The County Attorney's Office reviewed these recommendations and found there is no legal impediment to implementing these proposed amendments.

Recommendation

Adopt and modify all language in Charter as follows:

"Other than those powers assigned to the Department of Real Property Tax Services specifically pursuant to section 402, any reference to "County Treasurer" in state or county law shall be assumed to mean "County Comptroller."

Amend Article 18, Section 1802(3) of the Charter as follows:

3. Examine all requisitions for the encumbering of funds for the expenditure of which the County is responsible. ~~and~~ After such examination, certify as to the availability of funds for all capital projects. ~~therefor~~

Amend Article 18, Section 1802(19) as follows:

19. Have custody of all accounts and be solely responsible for the investment of all funds maintained by the County and its officers and agents.

Amend Article 18, Section 1802 of the Charter by adding a new subsection 20 as follows:

20. Be designated as an authorized signatory on all bank accounts bearing the county's tax identification number.

201. Be responsible for the provision of all accounting services to all County departments, offices and units as part of a centralized accounting system.

Introducer's Memorandum to Recommendation Intro No 27

Sponsored by Commission Member: Jesse Simmons, as Chair and on behalf of the Legislature, Other Elected Officials & Commissions.

The intent and purpose of this recommendation to amend the first paragraph of Article 26, Section 2608 of the Charter as follows:

Section 2608. Charter revision commission. The Erie County Charter shall undergo a mandatory decennial review, and the review shall commence by seating a Charter Review Commission ~~October 15, 2024~~ not before January 1, 2035 and not later than January 15, 2035. The Charter Review Commission shall report its recommendations to the Erie County Legislature no later than ~~May 15, 2024~~ June 15, 2035. ~~The Charter Revision Commission shall conduct at least one (1) public hearing prior to December 31, 2034. The Charter Revision Commission shall only be required to consider those proposal submitted to the Commission on or before April 15, 2035.~~

Introducer's Memorandum to Recommendation Intro No 28

Sponsored by Commission Member: Shawn Connolly, Chair.

Department of Health

The intent and purpose of this recommendation is to move EMS provisions from Department of Homeland Security and Emergency Services to the Department of Health. This would allow EMS to be found in the Charter.

The County Attorney's Office reviewed this recommendation and provided the following analysis: The Division of Emergency Medical Services ("EMS") is not currently referenced anywhere in the Charter. Reference to EMS is only found in Article 14, Section 14.03 of the Administrative Code where it is placed within the Department of Homeland Security and Emergency Services. Article 5 of the Charter can be amended to place EMS within the Department of Health; however, absent a repeal of Section 14.02 of the Administrative Code we would be left with conflicting provisions. EMS would live under the Department of Health in the Charter and under the Department of Homeland Security Emergency Service in the Administrative Code. Today, the Division of EMS can be found within the Department of Health in the Erie County Budget.

Recommendation

Repeal Section 14.02 & 14.03 of the Administrative Code and create section 507 and 508 in the Department of Health.

Section 507. Power and duties and Emergency Medical Services

The commissioner of emergency services shall have and exercise all the powers and duties granted or imposed by the laws of the state of New York upon a county director of emergency medical services, a county fire coordinator, a county director of civil defense and a county director of disaster preparedness and all the duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county

executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 508. Division of Emergency Medical Services

The division of emergency medical services shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of emergency medical services shall, when so directed by the commissioner, have and exercise any or all of the powers and duties vested in and imposed upon a county director of emergency medical services by the laws of the state of New York and any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code; shall maintain advanced life support response readiness as outlined by article 30 of the public health law; maintain pre-hospital educational initiatives; initiate coordination of mass casualty incidents and large scale planned events; coordinate public health preparedness planning and response of emergencies.

Introducer's Memorandum to Recommendation Intro No 29

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

The intent and purpose of this recommendation is to update Section 2703 to reflect that the office of District Attorney and County Clerk are currently elected in even numbered years.

(*** The County Legislature should update Section 2703 for the offices of County Executive and Comptroller to be even year if Chapter 741 of the Laws of 2023 ("Even Year Election Law") is upheld as constitutional.)

Recommendation

Amend Section 2703 of the Charter as follows:

Section 2703. Terms of certain elective county officers. The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four years, and the election of any such officer shall be in an odd numbered year, **except that the office(s) of county clerk and district attorney shall be held in an even numbered year.** Provided that any such officer elected in nineteen hundred sixty or nineteen hundred sixty two shall be elected for three years; and provided, further, that an interim election to fill the remainder of an unexpired term may be held in any year.

Introducer's Memorandum to Recommendation No. 30

Sponsored by Commission Member Andrea Ó Súilleabháin

The intent and purpose of this recommendation to Amend Section 2205 is to add greater accountability, engagement, and efficacy for Advisory Boards. This includes requiring each board to set purpose and objectives, to have criteria for membership, to have a public application process, to publish minutes in a timely manner, to publicly present its annual report in a meeting of the County Legislature, and other requirements outlined below.

Recommendation

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 or through NYS law, advisory boards for Erie County shall be constituted as follows:

1. New advisory boards may be established by the County Executive or the County Legislature. **For each new board, the relevant department will provide a statement of purpose and objectives for approval by the County Executive or the County Legislature.**
2. Advisory boards shall consist of an odd number of members, at least seven and at most fifteen. Members shall be residents of Erie County. **Each board should have criteria for membership to ensure broad representation, including seats for subject matter experts, relevant community representatives, and individuals from underrepresented populations.**
3. Members shall be appointed by the creating authority through a transparent application and selection process. **For each advisory board, the process shall include a public call for applications with public notice of the application requirements.**

4. Members shall serve three-year terms and may serve no more than two consecutive terms; those who have served two consecutive terms shall be eligible again after a two-year absence.
5. The creating authority shall fill any vacancies **through a public application process opened** within sixty days. If a member leaves a board before the end of his or her term, the replacement shall serve for the duration of the term; if the time remaining in the term is less than eighteen months, the replacement shall still be eligible for two consecutive full terms at the conclusion of the partial one.
6. Each advisory board shall elect one of its members to serve a two-year term as chair; no chair may serve more than two consecutive terms.
7. Advisory boards shall meet at least ~~four~~ **six** 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 ineffective chair or any inactive members, or to recommend that the legislature abolish the board when deemed appropriate. **Members with more than three unexcused absences within a year may be removed by the legislature.**
8. **Minutes of each advisory board meeting should be published within ten business days.**
9. Each advisory board chair shall submit an annual report to the County Executive and the Legislature stating the board's accomplishments during the past year and plans for the upcoming year. **Each advisory board should present their annual report publicly to the County Legislature to ensure oversight of their activities and efficacy.**
10. Members of advisory boards shall serve without compensation. **Members are required to complete an ethics acknowledgement form upon appointment and annually thereafter.**

11. To further define their structure and procedures, each advisory board may adopt bylaws that are not in conflict with this section, subject to the approval of the creating authority.
12. Every effort shall be made to achieve diversity on advisory boards. Added by Local Law No. 1-2017.