

## **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 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 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.