

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~ of Erie
~~Town~~
~~Village~~

Local Law No. 5 of the year 2003.

A local law in relation to an equitable distribution of the Erie County
(Insert Title)
Legislature's recommendations to the Governor of New York State
for appointment to the board of directors of the Erie County
Medical Center Corporation.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

~~City~~ of Erie as follows:
~~Town~~
~~Village~~

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. Under the creation of the Erie County Medical Center Corporation, the Erie County Legislature is charged with the obligation to recommend three (3) individuals to the Governor of New York State for appointment to the board of directors for the Erie County Medical Center Corporation, which oversees the operation and governance of the public benefit corporation.
- B. It has been the historic experience of this Honorable Body that an equitable distribution of recommendations between the Majority and Minority Caucuses of the Erie County Legislature to a board or commission will ensure that both the Majority and Minority Caucuses are properly represented.

Section 2. Distribution of Recommendations and Initial Terms.

- A. The distribution of the three (3) recommendations of the Erie County Legislature to the Governor of the New York State and the initial terms of those persons recommended shall be as follows:
 1. One (1) recommendation to the Governor shall belong to the Chairman of the Erie County Legislature. The initial term for the Chairman's recommendation shall be for three (3) years.
 2. One (1) recommendation to the Governor shall belong to the Majority Caucus of the Erie County Legislature. The initial term for the Majority Caucus's recommendation shall be for four (4) years.
 3. One (1) recommendation to the Governor shall belong to the Minority Caucus of the Erie County Legislature. The initial term for the Minority Caucus's recommendation shall be for four (4) years.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- B. Upon the creation of the Erie County Medical Center Corporation and its board of directors, the Chairman, the Majority Caucus and the Minority Caucus shall have thirty (30) days to submit the names of their respective recommendations to the Governor of New York State.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date.

This Local Law shall take effect immediately upon the creation of the Erie County Medical Center Corporation and its board of directors and upon the filing of this local law with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

(1-a)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2003 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on June 19 2003, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted on July 1 2003,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted
(Elective Chief Executive Officer)*
to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

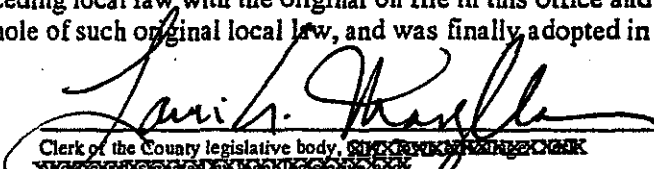
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph...2....., above.


Clerk of the County legislative body, ~~City of New York~~ ~~County of New York~~

(Seal)

Date: July 10, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Melissa O. Heimerl

Title

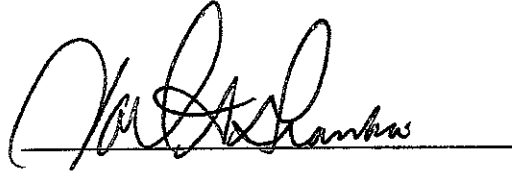
Assistant County Attorney

County

~~City~~ of Erie
~~Town~~
~~Village~~

Date: July 10, 2003

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2003 on Tuesday, July 1, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 1st day of July, 2003.

A handwritten signature in dark ink, appearing to read "Joel A. Giambra", is written over a horizontal line.

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2003 on Tuesday, July 1, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 1st day of July, 2003.
