

# 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. 1 of the year 2008.

A local law amending Local Law No. 1-1959, constituting the Erie County  
(Name Title)  
Charter as last amended by Local Law No. 3-2006, in relation  
to the county's veterans service agency.

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

County

~~City~~

of Erie

~~Town~~

~~Village~~

Section 1.

as follows:

LEGISLATIVE INTENT. For the past 81 years, the Veterans Service Agency has been in operation for the benefit of the veterans of Erie County, their widows and dependents. The agency, which was the first of its kind in the State of New York, was originated in 1926 by the American Legion of Erie County under a special appropriation to an American Legion Committee from the then Erie County Board of Supervisors. Due to a steadily increasing demand for services provided, which was accelerated by World War II, and the resulting growth of the office, on January 1, 1945, the Agency became part of the county Government structure as a stand alone agency.

The Service Agency functions under the provisions of state and county laws which specify the services to be rendered to all veterans, their widows and dependents who are residents of Erie County. The Agency Director operates under the immediate jurisdiction of the County Executive and also reports to the Erie County Legislature and the Government Affairs Committee of that Honorable Body.

Reestablishing the stand alone Erie County Office of Veterans Services will result in: The Director once again will report and be responsible to the Erie County Executive. The Director will be once again responsible for the Budget request and formulation. The staffing will once again consist of a Director and the appropriate staff to serve Erie County's Veteran population.

We presently have over 80,000 veterans in Erie County; more than any other County outside of New York City. Every day we are seeing the return of more veterans from Iraq & Afghanistan who will increase the number of veterans needing to be served.

The Action on the part of the Legislature will once again establish the Erie County Office of Veterans Services as a stand alone Agency and enable the Office to adequately care for our veterans who have sacrificed so much for our country.

## Section 2.

Article 11-F of the Erie County Charter is hereby amended to read as follows:

Article 11-F. Office of public advocacy.  
Section 11-F-01 Office of public advocacy

Additions to the Erie County Charter are reflected by underlining.  
Deletions to the Erie County Charter are reflected by ~~strikethroughs~~.

- 11-F-01 Division of equal employment opportunity
- 11-F-03 Advisory board to division of equal employment opportunity
- 11-F-04 Division on the status of women
- 11-F-05 Advisory commission to division on the status of women
- ~~11-F-06 Division of veterans services~~
- 11-F-076 Division for the disabled
- 11-F-087 Advisory board to division for the disabled
- 11-F-098 Consumer protection committee

Section 11-F-01. Office of public advocacy. There shall be an office of public advocacy, the head of which shall be the commissioner. The commissioner of said office 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. The commissioner of the office shall:

1. Serve in the capacity of countywide public advocate for all residents of Erie county, overseeing the day-to-day operations of the division of equal employment opportunity, division on the status of women, ~~division of veterans services~~, division for the disabled and consumer protection committee;
2. Report to the county executive, county manager and the Legislature on an annual basis on all activities related to fulfilling the obligations of the office of public advocacy.

Section 11-F-02. Division of equal employment opportunity. There shall be a division of equal employment opportunity, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the commissioner.

The division shall:

1. Direct and be responsible for all equal employment activities of the county and establish a county affirmative action plan and policies and assist in their execution;
2. Monitor personnel changes and procedures, file annual reports with the equal employment opportunity commission (EEOC), ensure Affirmative Action compliance in all County contracts, assist minority/women owned business enterprises in the certification procedures, process complaints of discrimination and sexual harassment and conduct EEO/AA training for Erie county personnel.

Section 11-F-03. Advisory board to division of equal employment opportunity. There shall be established an advisory board to the division of equal employment opportunity.

Section 11-F-04. Division on the status of women. There shall be a division on the status of women. It is hereby declared to be the policy of Erie county, New York, to eliminate discrimination in any form that may exist on account of gender; to fully utilize

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the potential of each citizen, regardless of gender, in order to preserve our democratic way of life; and to provide equal opportunities to all citizens, regardless of gender, in employment, education, health and mental health, housing, senior and social services, and before the law. The director of said division shall be appointed by and shall serve at the pleasure of the commissioner. The division shall:

1. Work to ensure that the women of Erie county participate fully in matters that have an impact on their lives.
2. Develop an information system for services relating to the needs of women, and develop other networks and referral programs as necessary;
3. Investigate and analyze resources and services available for women within county government and programs funded by the county and recommend measures to coordinate, consolidate or expand those resources and services to provided maximum efficiency;
4. Submit an annual report of its activities and recommendations to the county executive and county Legislature.

Section 11-F-05. Advisory commission to division on the status of women. There shall be an advisory commission. The 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 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 commission. The membership of the 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 commission shall annually designate one member to serve as commission chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the commission shall appoint a successor to that office from the commission's 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.

~~Section 11 F 06. Division of veterans services. There shall be a division of veterans services, the head of which shall be the director. The director of said division shall be appointed by and serve at the pleasure of the commissioner. The division shall:~~

- ~~1. Advocate for the benefit of veterans in accordance with New York state executive law section 357;~~

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- ~~2. Assist veterans and their families with job searches and placement, education, vocational rehabilitation, disability and pension claims, death benefits, medical needs and indigent burials.~~

Section 11-F-076. Division for the disabled. There shall be a division for the disabled, the head of which shall be the director. The director of said office shall be appointed by and shall serve at the pleasure of the commissioner. The division shall:

1. Evaluate and provide reasonable accommodations to county employees under the Americans with Disabilities ACT (ADA) or New York Executive Law in conjunction with the county attorney's office, labor relations department and the unions;
2. Advocate the benefits and services which disabled persons are entitled to under the law and represent the disabled in various area of concern affecting their rights as citizens;
3. Identify and recommend to public and private agencies and organizations which serve the disabled, to the county Legislature and to the county executive appropriate sources of state, federal and private financial assistance for purposes of comprehensively expanding services and programs for the disabled;
4. Act as the county administrative officer for planning and coordinating services for the disabled in cooperation with the county executive, county Legislature, county departments and public and private agencies and organizations which serve the disabled;
5. Submit an annual report in accordance with the Americans with Disabilities ACT (ADA) of activities and recommendations to the county manager and county Legislature.

Section 11-F-087. Advisory board to division for the disabled. There shall be established an advisory board to the division for the disabled.

Section 11-F-098. Consumer protection committee. There shall be a consumer protection committee. The committee shall:

1. Undertake activities to encourage business and industry within the county to maintain high standards of honesty and fair business practices, and to act responsibly in the production, promotion and sale of consumer goods and services, in the extension of credit and in the collection of consumer debts;
2. Investigate and analyze resources and services available to consumers within the departments of Erie county government and programs funded by Erie county and shall recommend measures to coordinate, consolidate or expand these resources and services to provide maximum efficiency and effectiveness;
3. Increase consumer awareness and competence through the development of educational programs emphasizing preventive education, the creation and distribution of publications, the use of communications media and a speakers bureau;

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4. Submit an annual report of its activities and recommendations to the county executive and county Legislature;
5. Have a minimum of four public meetings each year at which meetings the business of the committee shall be conducted.

To effectuate the purpose of this section, the commissioner and the county executive shall require any county department, division, board, council, committee or agency to provide such facilities, assistance and data as will enable the committee to properly effectuate its powers and duties.

The number of members on the committee, the procedure for appointing them, the length of their terms, and the functioning of the committee shall be as specified in section 1607 on advisory boards, with the exception that the county executive shall designate the chairperson from among the members of the committee.

A staff person from the office of the county executive, or other county department or division as designated by the county executive, shall serve as liaison between the committee and office of the county executive. The liaison shall attend committee meetings, secure meeting space, assign clerical assistance as needed and assign storage for documents of the committee.

### Section 3.

Article 3 of the Erie County Charter is hereby amended by adding a new Section 311, to read follows:

Section 311. Veterans' service agency. There shall be in the office of the county executive a county veterans' service agency, headed by a director of veterans' services who shall be appointed by and serve at the pleasure of the county executive. Except as otherwise provided in this charter, the director of the county veterans' service agency shall have all the powers and duties of a county director and a county service officer, as those terms are used in article 17 of the NYS executive law and section 800 of the NYS county law, in relation to veterans' affairs generally and, in conjunction with the division of military and naval affairs and other responsible state agencies, in providing information, support and assistance to members of the armed forces, including members of the reserve components thereof and members of the organized militia ordered into active duty, and veterans, who are residents of this state, and their families, with respect to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and war veterans and their families, (4) employment and re-employment services, and (5) obtaining any benefits and awards to which they may be entitled under any federal, state or local legislation. The director shall perform such additional and related duties as may be prescribed by law, by the county executive or by resolution of the county legislature.

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Section 4.

EFFECTIVE DATE. This Local Law shall take effect immediately.

Section 5.

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.

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(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. \_\_\_\_\_ 1 of 2008 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on February 21, 2008, and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive and was deemed duly adopted on March 7, 2008, in accordance with the applicable provisions of law.  
(Elective Chief Executive Officer\*)

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 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.  
(Elective Chief Executive Officer\*)

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 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\*)

\* 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 \_\_\_\_\_, above.

Clerk of the County legislative body. ~~Clerk of the County legislative body.~~

Robert M. Graber

Date: March 14, 2008

(Seal)

(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: Gregory J. Dudek

Assistant County Attorney  
Title

County \_\_\_\_\_  
~~City~~ of Erie  
~~Town~~  
~~Village~~

Date: March 14, 2008



A Public Hearing was held on the foregoing Local Law Intro. No. 1-2008 on Friday, March 7, 2008, 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, CHRIS COLLINS, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 7 day of March, 2008.

  
\_\_\_\_\_

A Public Hearing was held on the foregoing Local Law Intro. No. 1-2008 on Friday, March 7, 2008, 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, CHRIS COLLINS, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_ day of March, 2008.

\_\_\_\_\_