

## Local Law Filing

(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.

FILED  
STATE RECORDS

County  City  Town  Village  
(Select one)  
of Erie

JUL 28 2017

DEPARTMENT OF STATE

Local Law No. 3 of the year 2017

A local law amending Local Law No. 1-1959, constituting the Erie County Charter,  
(Insert Title)  
as amended, in relation to the adjustment of job qualifications  
for the Erie County Commissioner of Public Works.

Be it enacted by the \_\_\_\_\_ of the \_\_\_\_\_  
(Name of Legislative Body)

County  City  Town  Village  
(Select one)  
of Erie

as follows:

### SECTION 1. Legislative Findings

The Erie County Legislature hereby finds that, after a diligent search to fill the vacant position of Commissioner of Public Works, the Erie County Executive has been unable to identify a candidate who holds a degree in professional engineering and is otherwise qualified for the position. The Legislature further finds that the position of Commissioner of Public Works is largely a management position and that the duties and responsibilities of such position do not necessarily require licensure as a professional engineer. The Legislature further finds that there are, and will continue to be, multiple employees of the Department of Public Works who are required by civil service law to be licensed in professional engineering and that these employees will continue to perform those duties for the Department which require the holding of such license.

### SECTION 2. Legislative Intent

The Legislature has considered all relevant information and input and does hereby determine that Article 11 Section 1101 of the Erie County Charter shall be amended to remove the requirement that the Commissioner of the Department of Public Works be a professional engineer licensed and registered by the state of New York.

#### **SECTION 4. Sunset**

Section 3 of this Local Law which amends the Erie County Charter to remove the requirement that the Commissioner of Public Works hold a license in professional engineering shall be deemed automatically repealed and shall have no force or effect on or after December 31, 2017. After such repeal, Erie County Charter Section 1101 shall revert back to the form and provisions contained therein prior to the effective date of this Local Law.

#### **SECTION 5. Incumbent Commissioner and Survival**

Should the incumbent Commissioner of Public Works not hold a license in professional engineering at the time of repeal as contemplated above, he/she shall not be removed from such position on the sole basis that he/she no longer satisfies the requirements then contained in the Erie County Charter as reverted to after repeal. Notwithstanding the reversion, such individual shall be deemed to remain qualified to hold such position until a different Commissioner of Public Works is appointed pursuant to Erie County Charter Section 307. The provisions of this Section 5 shall survive the repeal contemplated in Section 4 above and will remain in full force and effect after such repeal date.

#### **SECTION 6. Effective Date**

This Local Law shall take effect upon filing with the Secretary of State.

#### **SECTION 7. 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.

**Sponsor:** Legislator Kevin Hardwick

**Co-Sponsors:** Legislator Savage

Additions to the Erie County Charter are reflected by underlining.

Deletions to the Erie County Charter are reflected by [brackets].

**REFERENCE: LOCAL LAW INTRO. 9-1 (2017)**

(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 (Name of Legislative Body) provisions of law.

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. 3 of 20 17 of the (County) \_\_\_\_\_ of Erie \_\_\_\_\_ was duly passed by the Erie County Legislature \_\_\_\_\_ on July 13 20 17, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the Erie County Executive \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer) on July 24 20 17, 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) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer)

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.

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) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local (Elective Chief Executive Officer) 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 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.

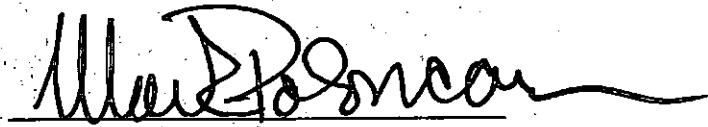
*Karen M. McCarthy*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: July 25, 2017

A Public Hearing was held on the foregoing Local Law Intro. No. 9-1 (2017) on July 24, 2017 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, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 24<sup>th</sup> day of July, 2017.



Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 9-1 2017 on July 24, 2017 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, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Mark C. Poloncarz