

# 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.

County  City  Town  Village  
(Select one.)

of Erie

FILED  
STATE RECORDS

DEC 28 2015

Local Law No. 5

of the year 2015

DEPARTMENT OF STATE

A local law Amending the Erie County Charter to Reinstate the Charter Revision Commission  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Erie

of the

as follows:

## SECTION 1: Legislative Intent

This law has been written so as to reinstate the makeup of the Charter Revision Commission pursuant to Local Law No. 3 of 2006.

## SECTION 2: Amending the Erie County Charter Section 2608 to read 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 by January 15, 2016, which shall report its recommendations to the Erie County Legislature no later than May 15, 2016. The Legislature shall take action on each recommendation within sixty (60) days of their submission.

The membership of the Charter Revision Commission shall be comprised as follows:

Three (3) appointments shall be made by the Erie County Executive. One (1) appointment shall be made by the Erie County Comptroller. One (1) appointment shall be made by the Erie County Clerk. One (1) appointment shall be made by the Erie County Sheriff. One (1) appointment shall be made by the District Attorney for Erie County. Each legislative district shall have one (1) appointment made by the districts representative. And one (1) additional appointment shall be made by the Chairman of the Legislature. The Chairman of the Erie County legislature, at the

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

time of the establishment of the commission, shall choose one member of the Charter Revision Commission to act as Chairman of the Commission. The Commission will then select its vice Chairman and Secretary from amongst its members.

No member of the Commission shall hold public office, be an employee of the County nor serve on any other County boards, commissions, or advisory panels during the term of his/her appointment.

#### **SECTION 3. Severability**

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

#### **SECTION 4. Effective Date**

This law shall become effective immediately upon its signing by the County Executive.

**Sponsored By:**

Legislator John J. Mills

**REFERENCE: LOCAL LAW INTRO. 9-1 (2015)**

(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 \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable 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. 5 of 2015 of the (County) \_\_\_\_\_ of Erie \_\_\_\_\_ Erie County Legislature on December 3 2015, and was (approved) \_\_\_\_\_ (Name of Legislative Body) by the Erie County Executive \_\_\_\_\_ and was deemed duly adopted on December 22 2015, 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 \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) 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.

**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 \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ (Elective Chief Executive Officer\*) 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 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.

*John M. McCarthy*

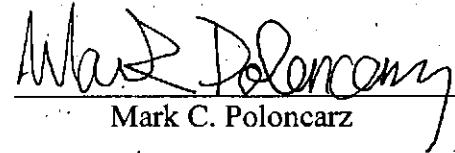
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date:

*December 22 2015*

(Seal)

A Public Hearing was held on the foregoing Local Law Intro. No. 9-1 2015 on December 18, 2015 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 22 day of December, 2015.

  
Mark C. Poloncarz

A Public Hearing was held on the foregoing Local Law Intro. No. 9-1 2015 on December 18, 2015 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 December, 2015.

Mark C. Poloncarz