

Erie County Charter - 2015

Article 1 - Erie County and its Government - Charter

Section	101.	Title and purpose.
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Section 101. Title and purpose. This charter and all amendments hereto shall constitute the form of government for the county of Erie and shall be known and cited as the "Erie county charter." Among the purposes of this charter are the accomplishment of greater economic efficiency, and responsibility in county government; the securing of all possible county home rule; the review of mandates as provided for by state law; the coordination of planning and economic development; the encouragement of inter-governmental cooperation among the cities, towns, villages throughout the County; and the separation of county legislative and executive functions. Amended by Local Law No. 3-2006.

Section 102. County status, powers and duties. The county of Erie shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter or by the applicable law.

Section 103. Charter effect on state laws. Within the limits prescribed in the New York state municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the county of Erie and its government are affected.

Amended by Local Law No. 7 1974.

Section 104. Charter effect on local laws and resolutions. Except to the extent inconsistent with this charter, all existing laws and resolutions heretofore adopted by the county legislature of the county shall continue in force until amended, superseded or repealed as provided herein.

Section 105. Legislative Districts. The county of Erie is hereby divided into eleven districts, described as follows:

DISTRICT NO. 1

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Bounded on the west by Lake Erie, being part of the Town of Hamburg except the south part which is in Legislative District 12; all of the City of Lackawanna; and the southwest part of the City of Buffalo contiguous to Legislative Districts 6, 3, and 2; and except Legislative Districts 7 and 11.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie-Lackawanna Railroad; thence southwesterly along the centerline of the Erie-Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence

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northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines; thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tifft Street; thence northeasterly along the centerline of Tifft Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

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The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

DISTRICT NO. 2

The south part of the City of Buffalo and the south west part of the Town of Cheektowaga bounded on the west by Legislative District 1, on the north by Legislative Districts 3 and 8, on the east by Legislative District 8, Legislative District 9 and the Town of West Seneca and on the south by Legislative District 1 and the Town of West Seneca.

The common boundary between Legislative District 1 and Legislative District 2 is described as follows:

Beginning at the intersection of the centerline of Broadway with the intersection of the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of the former Penn Central Railroad right of way; thence southwesterly along the centerline of the Penn Central Railroad right of way to an extension to the south of Milburn Street in a straight line; thence southerly along Milburn Street extended to its intersection with the centerline of William Street; thence easterly along the centerline of William Street to its intersection with the centerline of New Babcock Street; thence southwesterly along the centerline of New Babcock Street and the centerline extended to the southwest in a straight line to the intersection of the extended centerline of New Babcock Street with the centerline of the former Erie-Lackawanna Railroad; thence southwesterly along the centerline of the Erie-Lackawanna Railroad to its intersection with the former B & C Railroad lands; thence southwesterly along the centerline of the B & C Railroad lands to the centerline of the Niagara Section of the New York State Thruway; thence westerly along the Niagara Section of the New York State Thruway to its intersection with the centerline of Hamburg Street; thence southwesterly along the centerline of Hamburg Street to its intersection with the centerline of South Park Avenue; thence northwesterly along the centerline of South Park Avenue to its intersection with the centerline of Louisiana Street; thence southwesterly along the centerline of Louisiana Street to its intersection with the centerline of O'Connell Street; thence southeasterly along the centerline of O'Connell Street to its intersection with the centerline of Vicennes Street; thence southwesterly along the centerline of Vicennes Street to its intersection with the centerline of Republic Street; thence easterly along the centerline of Republic Street extended to the centerline of the former Erie-Lackawanna Railroad's lands; thence northerly and easterly along the centerline of the Erie-Lackawanna Railroad's lands to its intersection with the centerline of Fitzgerald Street extended to the southwest in a straight line; thence northeasterly along the centerline of Fitzgerald Street to its intersection with the centerline of South Park Avenue; thence along the centerline of South Park Avenue to its intersection with the centerline of the former Penn Central Railroad lines;

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thence southerly and easterly along the centerline of the former Penn Central Railroad lands to its intersection with the centerline of Tifft Street; thence northeasterly along the centerline of Tifft Street to its intersection with the centerline of Hopkins Street; thence southerly along the centerline of Hopkins Street to its intersection with the centerline of the former B. R. & P. Railroad; thence southeasterly along the centerline of the railroad to its intersection with the north line of the City of Lackawanna; thence easterly along the north line of the City of Lackawanna to its intersection with the west line of the Town of West Seneca.

The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwestly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

DISTRICT NO. 3

Part of the City of Buffalo bounded on the east by Cheektowaga and Legislative District 1; on the north by Legislative Districts 7 and 6; on the west by Legislative Districts 6 and 1; and on the south by Legislative Districts 1 and 2.

The common boundary between Legislative District 1 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State

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Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Pine Street; thence southwesterly along the centerline of Pine Street to its intersection with the centerline of South Division Street; thence southeasterly along the centerline of South Division Street to its intersection with the centerline of Hamburg Street; thence easterly along the centerline of Hamburg Street to its intersection with the centerline of Jefferson Avenue; thence northeasterly along the centerline of Jefferson Avenue to its intersection with the centerline of Eagle Street; thence southeasterly along the centerline of Eagle Street to its intersection with the centerline of Smith Street; thence northerly along the centerline of Smith Street to its intersection with the centerline of Howard Street; thence easterly along the centerline of Howard Street to its intersection with the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of William Street; thence westerly along the centerline of William Street to its intersection with the centerline of Wilson Street; thence northerly along the centerline of Wilson Street to its intersection with the centerline of Broadway; thence northeasterly along the centerline of Broadway to its intersection with the centerline of Bailey Avenue.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street

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extended to the southeast in a straight line; thence northwesterly along the Trenton Street extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

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The common boundary between Legislative District 2 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bailey Avenue with the centerline of Broadway; thence easterly along the centerline of Broadway to the west line of the Town of Cheektowaga.

DISTRICT NO. 4

All of the Towns of Newstead, Clarence, Amherst, and Cheektowaga, excepting there from those portions of the Town of Amherst and the Town of Cheektowaga which lie within Legislative Districts 2, 8, 9, 14 and 15, which exceptions are the westerly portion of the Town of Amherst and the south and west portions of the Town of Cheektowaga.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

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The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

DISTRICT NO. 5

The Towns of Sardinia, Holland, Wales, Marilla, Alden, Elma, and Lancaster, excepting there from that portion of the Town of Lancaster which lies within District 8, adjacent to Transit Road.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a

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west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

DISTRICT NO. 6

The north west part of the City of Buffalo, bounded on the north by the Town of Tonawanda; on the east by Legislative Districts 11, 7, and 3; on the south by Legislative District 1; not including Legislative District 2.

The common boundary between Legislative District 6 and Legislative District 1 is described as follows:

Beginning at the intersection of the centerline of the Niagara Section of the New York State Thruway and the projection to the southwest in a straight line of the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street projected to the westerly line of the City of Buffalo.

The common boundary between Legislative District 6 and Legislative District 3 is described as follows:

Beginning at the intersection of the centerline of Bryant Street with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of North Street; thence easterly along the centerline of North Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Allen Street; thence westerly along the centerline of Allen Street to its intersection with the centerline of College Street; thence southerly along the centerline of College Street to its intersection with the centerline of Virginia Street; thence easterly along the centerline of Virginia Street to its intersection with the centerline of Delaware Avenue; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of Edward Street; thence westerly along the centerline of Edward Street to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Tupper Street; thence westerly along the centerline of Tupper Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Whitney Place; thence southeasterly along the centerline of Whitney Place to its intersection with the centerline of Georgia Street; thence southwesterly along the centerline of Georgia Street to its intersection with the centerline of Niagara Street; thence northwesterly along the centerline of Niagara Street to its intersection with the centerline of Carolina Street; thence southwesterly along the centerline of Carolina Street to its intersection with the centerline of Trenton Street extended to the southeast in a straight line; thence northwesterly along the Trenton Street

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extension to its intersection with the centerline of Virginia Street; thence southwesterly along the centerline of Virginia Street and its centerline extended to the centerline of the Niagara Section of the New York State Thruway.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

DISTRICT NO. 7

The north east corner of the City of Buffalo bounded on the north by the Town of Amherst and Legislative District 11; on the east by the Town of Cheektowaga; on the south by Legislative District 3; and on the west by Legislative Districts 6 and 11.

The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie-Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie-Lackawanna Railroad to its

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intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary line between Legislative District 7 and Legislative District 3 is described as follows:

Beginning in the centerline of East Delevan Avenue at its intersection with the east line of the City of Buffalo; thence westerly along the centerline of East Delevan Avenue to its intersection with the centerline of Chelsea Street; thence southerly along the centerline of Chelsea Street and Chelsea Street extended to the south to its intersection with the centerline of East Ferry Street; thence easterly along the centerline of East Ferry Street to its intersection with the centerline of Kehr Street; thence southerly along the centerline of Kehr Street to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to the centerline of Fillmore Avenue; thence northerly along the centerline of Fillmore Avenue to its intersection with the centerline of East Ferry Street; thence westerly along the centerline of East Ferry Street to its intersection with the centerline of the Kensington Expressway; thence southerly along the centerline of the Kensington Expressway to its intersection with a projection to the east of the centerline of Glenwood Avenue extended to the east; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Wohlers Avenue; thence southerly along the centerline of Wohlers Avenue to its intersection with the centerline of East Utica Street; thence westerly along the centerline of East Utica Street to its intersection with the centerline of Roehrer Avenue; thence northerly along the centerline of Roehrer Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Storz Avenue; thence northerly along the centerline of Storz Avenue to its intersection with the centerline of Winslow Avenue; thence westerly along the centerline of Winslow Avenue to its intersection with the centerline of Dupont Street; thence northerly along the centerline of Dupont Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Jefferson Avenue; thence southerly along the centerline of Jefferson Avenue to its intersection with the centerline of Glenwood Avenue; thence westerly along the centerline of Glenwood Avenue to its intersection with the centerline of Chester Street; thence northerly along the centerline of Chester Street to its intersection with the centerline of Woodlawn Avenue; thence westerly along the centerline of Woodlawn Avenue to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its

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intersection with the centerline of Utica Street; thence westerly along the centerline of Utica Street to its intersection with the centerline of Delaware Avenue; thence southwesterly along the centerline of Delaware Avenue to its intersection with the centerline of Bryant Street; thence westerly along the centerline of Bryant Street to the centerline of Richmond Avenue.

The common boundary between Legislative District 6 and Legislative District 7 is described as follows:

Beginning at the intersection of the centerline of Claremont Avenue with the centerline of Potomac Avenue; thence southerly along the centerline of Claremont Avenue to its intersection with the centerline of Dorchester Road; thence westerly along the centerline of Dorchester Road to its intersection with the centerline of Richmond Avenue; thence southerly along the centerline of Richmond Avenue to its intersection with the centerline of Bryant Street.

DISTRICT NO. 8

Part of the Towns of Cheektowaga and Lancaster; bounded on the west by the City of Buffalo; on the north by Legislative Districts 14 and 4; on east by Legislative District 5; and on the south by Legislative Districts 9 and 2.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary of Legislative District 4 and Legislative District 8 is described as follows:

Beginning at the northeast corner of that part of the Village of Depew which lies within the Town of Cheektowaga in the center of Transit Road; thence westerly along the north line of the Village of Depew to an angle point in the north line of the Village of Depew just northwest of Patsy Lane; thence southerly parallel with Patsy Lane to the centerline of Rehm Road; thence westerly along the centerline of Rehm Road to a northwest corner of the Village of Depew; thence southerly along a west line of the Village of Depew to a north line of the Village of

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Depew; thence westerly along a north line of the Village of Depew to its intersection with a north-south branch of lands formerly belonging to the New York Central Railroad Company; thence northerly and westerly along the centerline of the railway lands to a projection to the north in a straight line of the rear line of lots on the east side of Satinwood Drive; thence northerly along the rear lines projected to the north to the centerline of Genesee Street; thence westerly along the centerline of Genesee Street to its intersection with the centerline of the Kensington Expressway; thence westerly along the Kensington Expressway to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to its intersection with an extension to the east in a straight line of the rear line of lots fronting on the south side of Clearvale Drive; thence westerly along the rear line, as extended, to the centerline of Beach Road; thence northerly along the centerline of Beach Road to its extension to the east of a line drawn along the rear line of lots on the south side of Hemenway Road; thence westerly along the rear line extended in a straight line to the west to the centerline of the New York State Thruway; thence northerly along the centerline of the Thruway to its intersection with the centerline of Huth Road extended to the west.

The common boundary of Legislative District 8 and Legislative District 5 is described as follows:

Beginning at the southwest corner of the Town of Lancaster; thence easterly along the south line of the Town of Lancaster to the southeast corner of Lot 98, Township 10, Range 6 of the Holland Land Company's Survey; thence northerly along the east line of Lot 98, Lot 97, Lot 96 to the centerline of Country Place extended to the west in a straight line to the west line of Lot 91; thence easterly along the centerline of Country Place and Country Place extended and along the centerline of Old Post Road to the centerline of Aurora Street; thence northerly along the centerline of Aurora Street to the south line of the Village of Lancaster; thence westerly along the south line of the Village of Lancaster to the southwest corner of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Como Park Boulevard; thence easterly along the centerline of Como Park Boulevard to its intersection with a west line of the Village of Lancaster; thence northerly along the west line of the Village of Lancaster to the centerline of Walden Avenue; thence easterly along the centerline of Walden Avenue to its intersection with the centerline of Central Avenue; thence northerly and westerly along the centerline of Central Avenue to its intersection with the centerline of Pleasant View Avenue; thence westerly along the centerline of Pleasant View Avenue to the centerline of Transit Road, the west line of the Town of Lancaster.

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots

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on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

The common line between Legislative District 2 and Legislative District 8 is described as follows:

Beginning in the centerline of Union Road at its intersection with the centerline of Cayuga Creek; thence northerly along the centerline of Union Road to its intersection with the centerline of William Street; thence westerly along the center line of William Street to its intersection with the centerline of the New York State Thruway; thence northerly along the New York State Thruway to its intersection with the centerline of the former Lehigh Valley Railroad lands; thence southwestly along the centerline of the Lehigh Valley Railroad lands to its intersection with the centerline of Harlem Road; thence northerly along the centerline of Harlem Road to its intersection with the centerline of Broadway; thence westerly along the centerline of Broadway to the east line of the City of Buffalo.

DISTRICT NO. 9

All of the Town of West Seneca and the south part of the Town of Cheektowaga; excepting from the Town of Cheektowaga Legislative Districts 2, 8, 14, and 4.

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The common line between Legislative District 2 and Legislative District 9 is described as follows:

Beginning at the intersection of the centerline of Cayuga Creek with the centerline of Union Road; thence in a generally westerly direction along the centerline of Cayuga Creek to a northeast corner of the Town of West Seneca; thence continuing westerly along the north line of the Town of West Seneca to the east line of the City of Buffalo; thence southerly along the meandering east line of the City of Buffalo to the southeast corner of the City of Buffalo (near the centerline of Dorrance Avenue.)

The common boundary line between Legislative District 9 and Legislative District 8 is described as follows:

Beginning at the southeast corner of the Town of Cheektowaga; thence northerly along the east line of the Town of Cheektowaga to its intersection a projection to the east of the rear lot lines of lots on the south side of Madeira Drive; thence westerly along the rear lot lines of Madeira Drive to the rear lot lines on the east side of Dubonet Drive; thence southerly along the rear lines of lots on the east side of Dubonet Drive to the rear line projected to the east of lots on the south side of Dubonet Drive; thence westerly along the rear lines of the lots on the south side of Dubonet Drive to the intersection of the projected rear lot lines with the projected rear lot line of lots on the westerly side of Dubonet Drive; thence northerly along the rear lot lines of lots on the west side of Dubonet Drive to the rear lot line of lots on the north side of Davidson Drive; thence westerly along the rear line of lots on Davidson Drive projected to the centerline of Borden Road; thence northerly along the centerline of Borden Road to a projection to the east in a straight line of the rear lot lines of lots on the south side of Losson Road; thence westerly along the rear lot lines of lots on the south side of Losson Road to a projection to the north in a straight line of the rear line of lots on the east side of Woodgate Drive; thence southerly along the projection of the rear line of lots on the east side of Woodgate Drive and the rear lot lines on the east side of Woodgate Drive to a projection to the east and west of the rear lines of lots on the north side of Barbados Drive (south); thence westerly along the rear lot lines on the north side of Barbados Drive (south) to the rear lot line of lots on the west side of the westerly most portion of Barbados Drive projected to the north and south; thence southerly along the projection of rear lot lines on the westerly most portion of Barbados Drive to the rear lot lines of lots on the north side of Le Havre; thence westerly along the rear line of lots on the north side of Le Havre and the rear lot lines projected to the west to a line drawn along the westerly lot line of lots on Mayberry Drive West which line is projected to the north in a straight line to the former railroad lands; thence northeasterly along the railroad lands to their intersection with the centerline of Losson Road; thence westerly along the centerline of Losson Road to its intersection with the centerline of Union Road; thence northerly along the centerline of Union Road to the centerline of Cayuga Creek.

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DISTRICT NO. 10

All of the Town of Grand Island; all of the City of Tonawanda; and part of the Town of Tonawanda, excepting from the Town of Tonawanda Legislative Districts 11 and 14.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwestly along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

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DISTRICT NO. 11

Part of the Town of Tonawanda; excepting Legislative Districts 10 and 14; and part of the City of Buffalo bordered by Legislative Districts 6 and 7; and excepting Legislative Districts 1, 2, and 3.

The common boundary between Legislative District 10 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with the projection to the west in a straight line of the rear line of lots on the north side of Paramount Parkway; thence southerly along the centerline of Delaware Avenue to its intersection with the centerline of the projection to the east of the rear line of lots on the south side of Lowell Road; thence westerly along the rear line of lots on Lowell Road and rear lines projected westerly to the intersection of the projection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the projection of the rear line of lots on the south side of Thurston Avenue; thence westerly along the rear line of lots on the south side of Thurston Avenue and their projection to the intersection of the projection with the centerline of the former NYC & HR Railroad; thence southwest along the centerline of the railroad to its intersection with the centerline of Pullman Avenue projected to the west; thence easterly in the centerline of Pullman Avenue to the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to the north line of the Village of Kenmore; thence easterly along the irregular north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village to its intersection with a north line of the Village of Kenmore; thence easterly along the same north line of the Village of Kenmore to a northeast corner of the Village of Kenmore; thence southerly along the east line of the Village of Kenmore to the north line of the City of Buffalo; thence westerly along the north line of the City of Buffalo to its intersection with the centerline of Elmwood Avenue.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

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The common boundary line between Legislative District 7 and Legislative District 11 is described as follows:

Beginning at the intersection of the north line of the City of Buffalo with the centerline of Bailey Avenue; thence southerly along the centerline of Bailey Avenue to its intersection with the centerline of Winspear Avenue; thence westerly along the centerline of Winspear Avenue to its intersection with the centerline of Northrup Place; thence southerly and westerly along the centerline of Northrup Place to its intersection with the centerline of Main Street; thence northeasterly along the centerline of Main Street to its intersection with the centerline of West Winspear Avenue; thence westerly along the centerline of West Winspear Avenue and West Winspear Avenue extended to the lands of the former Erie-Lackawanna Railroad; thence southeasterly along the centerline of the lands of the former Erie-Lackawanna Railroad to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of Amherst Street; thence westerly along the centerline of Amherst Street to its intersection with the centerline of Fairfield Street; thence southeasterly along the centerline of Fairfield Street to its intersection with the centerline of Main Street; thence southwesterly along the centerline of Main Street to its intersection with the centerline of West Delevan Avenue; thence westerly along the centerline of West Delevan Avenue to its intersection with the centerline of Elmwood Avenue; thence northerly along the centerline of Elmwood Avenue to its intersection with the centerline of Potomac Avenue; thence westerly along the centerline of Potomac Avenue to its intersection with the centerline of Claremont Street.

The common boundary between Legislative District 6 and Legislative District 11 is described as follows:

Beginning in the north line of the City of Buffalo at its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Bedford Avenue; thence easterly along the centerline of Bedford Avenue to its intersection with the centerline of Lincoln Parkway; thence southerly along the centerline of Lincoln Parkway to its intersection with the centerline of Middlesex Road; thence westerly along the centerline of Middlesex Road to its intersection with the centerline of Elmwood Avenue; thence southerly along the centerline of Elmwood Avenue to its intersection with the centerline of Forest Avenue; thence westerly along the centerline of Forest Avenue to its intersection with the centerline of Claremont Avenue; thence southerly along the centerline of Claremont Avenue to the centerline of Potomac Avenue.

DISTRICT NO. 12

All of the Towns of Brant, North Collins, Boston, Eden, Evans, and Hamburg, except the northerly portion of the Town of Hamburg which lies in Legislative District 1.

The common line between Legislative District 1 and Legislative District 12 is described as follows:

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Beginning at the shore line of Lake Erie, the west line of the County of Erie, at its intersection with the centerline of Pleasant Avenue extended to the north; thence southerly, southeasterly, southerly, and generally easterly along the centerline of Pleasant Avenue to its intersection with the centerline of West Pleasant Drive; thence easterly along the centerline of West Pleasant Drive and the centerline extended to the centerline of the New York State Thruway; thence northerly and easterly along the centerline of the New York State Thruway to its intersection with the centerline of South Park Avenue; thence northerly along the centerline of South Park Avenue to its intersection with the centerline of Southwestern Boulevard; thence northeasterly along the centerline of Southwestern Boulevard to its intersection with the centerline of the New York State Thruway; thence northerly along the centerline of the New York State Thruway to its intersection with the centerline of Big Tree Road; thence easterly along the centerline of Big Tree Road to its intersection with the centerline of McKinley Parkway; thence southerly along the centerline of McKinley Parkway to its intersection with the centerline of Bayview Road; thence southeasterly along the centerline of Bayview Road to its intersection with the centerline of Armor Duells Corner Road; thence easterly along the centerline of Armor Duells Corner Road to the east line of the Town of Hamburg.

DISTRICT NO. 13

All of the Towns of Orchard Park, Aurora, Colden, Concord and Collins.

DISTRICT NO. 14

Part of the Town of Tonawanda except Legislative Districts 10 and 11; part of the Town of Amherst except Legislative Districts 15 and 4; and part of the Town of Cheektowaga except Legislative Districts 4, 8, 9, and 2.

The common line between Legislative District 14 and Legislative District 11 is described as follows:

Beginning at the intersection of the centerline of Delaware Avenue with an extension to the west in a straight line of the rear line lots on the north side of Paramount Parkway; thence easterly along the rear line of lots on the north side of Paramount Parkway to an extension of the centerline of Jewel Street projected to the north in a straight line; thence southerly along the Jewel Street centerline projection and along the centerline of Jewel Street to the centerline of Traverse Boulevard; thence easterly along the centerline of Traverse Boulevard to its intersection with the centerline of Colvin Boulevard; thence southerly along the centerline of Colvin Boulevard to its intersection with the centerline of Sheridan Drive; thence easterly along the centerline of Sheridan Drive to the east line of the Town of Tonawanda; thence southerly along the east line of the Town of Tonawanda to the north line of the City of Buffalo; thence easterly

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along the north line of the City of Buffalo to the centerline of Main Street; thence northeasterly along the centerline of Main Street to the centerline of Bailey Avenue.

The common boundary between Legislative District 14 and Legislative District 10 is described as follows:

Beginning at the northeast corner of the corner of the City of Tonawanda; thence southerly along the irregular east line of the City of Tonawanda to the southeast corner of the City of Tonawanda; thence westerly along the south line of the City of Tonawanda to the centerline of former Erie Railroad; thence southeasterly along the centerline of the railroad to its intersection with the centerline of the Youngman Highway; thence westerly along the centerline of the Youngman Highway to its intersection with the centerline of Delaware Avenue; thence southeasterly along the centerline of Delaware Avenue to the intersection of the centerline of Delaware Avenue with a projection to the west of the rear lot lines of lots on the north side of Paramount Parkway.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 14 and Legislative District 8 is described as follows:

Beginning at a point in the west line of the Town of Cheektowaga at its intersection with a projection to the west of the rear line of lots on the south side of Southgate Road; thence easterly along the south lot lines to a projection to the north in a straight line of the centerline of that part of the westerly part of Kenville Road which runs north and south; thence southerly and easterly along the centerline of Kenville Road and Kenville Road extended easterly in a straight line to

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the centerline of Harlem Road; thence along the centerline of Harlem Road to the centerline of Homesgarth Avenue; thence east along the centerline of Homesgarth Avenue to the centerline of Roycroft Boulevard; thence southerly along the centerline of Roycroft Boulevard to the centerline of Seton Road; thence east along the centerline of Seton Road to the centerline of Woodbridge Avenue; thence north along the centerline of Woodbridge Avenue to the centerline of Huth Road; thence east along the centerline of Huth Road to the centerline of the New York State Thruway.

The common boundary between Legislative District 4 and Legislative District 14 is described as follows:

Beginning at the intersection of the centerline of the New York State Thruway with the centerline of Huth Road projected to the west; thence northerly along the centerline of the Thruway and the centerline extended to the north in a straight line to the intersection of the extension with the south line of the Town of Amherst.

DISTRICT NO. 15

The Town of Amherst except Legislative Districts 14 and 4.

The common line between Legislative District 15 and Legislative District 14 is described as follows:

Beginning at a point in Tonawanda Creek where it is intersected by the north line of the Town of Tonawanda and a south line of the Town of Amherst; thence easterly along the north line of the Town of Tonawanda to the west line of the Town of Amherst; thence southerly along the west line of the Town of Amherst to the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Chestnut Ridge Road; thence southerly along the centerline of Chestnut Ridge Road to its intersection with the centerline of Edgewater Drive; thence easterly, northerly and easterly along the centerline of Edgewater Drive to its intersection with the centerline of Kaymar Drive; thence southerly, easterly, and northerly along the irregular centerline of Kaymar Drive to its intersection with the centerline of Willow Ridge Drive; thence easterly along the centerline of Willow Ridge Drive to its intersection with the centerline of Sweet Home Road; thence southerly and westerly along the centerline of Sweet Home Road to its intersection with the centerline of the Youngman Highway; thence southerly and easterly along the centerline of the Youngman Highway to its intersection with Main Street; thence continuing southerly on a projection to the south in a straight line of the centerline of the Youngman Highway through the lands of the State of New York to the intersection of the Youngman Highway projection with the north line of the Town of Cheektowaga.

The common boundary between Legislative District 4 and Legislative District 15 is described as follows:

Beginning at the intersection of the south line of the Town of Amherst with a projection to the

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north in a straight line of the north-south portion of the New York State Thruway; thence easterly along the irregular south line of the Town of Amherst to its intersection with the centerline of Youngs Road; thence northerly along the centerline of Youngs Road to its intersection with the centerline of Main Street; thence easterly along the centerline of Main Street to the southwest corner of Lot 108, Township 12, Range 7 of the Holland Land Company's Survey; thence northerly along the west line of Lot 108 to the centerline of Sheridan Drive; thence westerly along the centerline of Sheridan Drive to its intersection with the centerline of Ayer Road; thence northerly along the irregular centerline of Ayer Road to its intersection with the centerline of Klein Road; thence easterly along the centerline of Klein Road to its intersection with the centerline of Paradise Road; thence northerly along the centerline of Paradise Road to its intersection with the centerline of Wellington Drive; thence westerly along the irregular centerline of Wellington Drive to its intersection with the centerline of Hearthstone Drive; thence northerly along the centerline of Hearthstone Drive to its intersection with the centerline of Wood Acres Drive; thence westerly and northerly along the centerline of Wood Acres Drive to its intersection with the centerline of Buttonwood Lane; thence westerly along the centerline of Buttonwood Lane to its intersection with the centerline of Youngs Road Extension; thence northerly along the centerline of Youngs Road Extension to the centerline of the former New York Central Railroad line; thence westerly along the centerline of the railroad to its intersection with the centerline of Hopkins Road; thence northerly along the centerline of Hopkins Road to the north line of the Town of Amherst.

Section 105 Amended by Local Law No. 1-2010.

Section 105 Amended by Local Law No. 3-2006.

Section 105 Amended by Local Law No. 4-2002.

Section 105 Amended by Local Law No. 2 1991.

Section 105 Amended by Local Law No. 3-1981.

Section 105 Amended by Local Law No. 6-1971.

Section 105 Amended by Local Law No. 1 1967.

Section 106. Legislative Districts, continued. The fifteen legislative districts as previously bounded and described by Local Law No. 4-2002, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, 2012. For the purpose of the general election of 2011 and all other purposes, except as herein before provided, the county of Erie is divided into eleven districts, described as contained in section one hundred five herein.

Section 106 Amended by Local Law No. 1-2010.

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Article 1 was formerly numbered Article I.

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Article 2 - Legislative Branch - Charter

Section 201. County legislature constituted.

202. Powers and duties.

202.1 Qualifications and eligibility of county legislators.

202.2 Elections and terms of office.

202.3 Increasing the salaries of county elected officials.

203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts.

204. Form and procedure.

205. Procedure for adoption of local laws.

206. Filing and publication of local laws; judicial notice.

207. Referendum.

208. Effective date.

209. Ordinances.

210. Advisory committee on reapportionment.

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211. Approval of independent auditors.

Section 201. County legislature constituted. The county legislature shall be composed of eleven members who shall be elected one from each of the eleven legislative districts set forth in section one hundred five hereof. The county legislators representing the eleven districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

Amended by Local Law No. 1-2010.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 4-2002.

Amended by Local Law No. 1 1967.

Amended by Local Law No. 1 1966.

Section 202. Powers and duties. Except as otherwise provided in this charter, the county legislature shall have and exercise all powers and duties of the county, all powers and duties heretofore or hereafter conferred or imposed on said county legislature or other county legislative body by applicable law, and all powers necessarily incidental thereto. All provisions of applicable law wherein powers and duties are conferred upon the legislative body of a county of the state of New York shall be construed to refer to the county legislature of Erie county.

The county legislature shall have, but not by way of limitation, the following powers and duties:

1. To make appropriations, levy taxes and incur indebtedness.
2. To exercise all powers of local legislation in relation to enacting, amending, repealing or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the county executive in such instances as are specifically provided in this charter.
Amended by Local Law No. 10 1974.
3. By local law to adopt, amend and repeal an administrative code which shall set forth the details of administration of the county government in harmony with the provisions of this charter and may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter.
4. By local law to create, alter, combine or abolish county administrative units not headed by elective officers.
5. To adopt by resolution all necessary rules and regulations for its conduct and procedure.
6. To fix the compensation of all officers and employees paid from county funds, except members of the judiciary.
7. To fix the amount of bonds of officers and employees paid from county funds.
8. To make such studies and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint

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temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence, deemed necessary or material to the study or inquiry.

9. To determine and make provision for any matter of county government not otherwise provided for, including any matter involved in the transition to this charter form of government.
10. To award contracts submitted to it for approval on bids or otherwise and to determine whether acceptance of any bid or award of any proposed contract will best promote the public interest. In the awarding of contracts, the first consideration shall be given to the best promotion of the public interest.
Subsection j. Added by Local Law No. 7 1978.
11. To confirm each appointment of the county executive of heads of every department, division or other administrative unit not administered by another elective official, pursuant to Article III of this Charter.

Subsection k. Added by Local Law No. 3-2006.

Section 202 Amended by Local Law No. 1 1967.

Section 202.1. Qualifications and eligibility of county legislators. At the time of nomination or appointment and throughout the term of office, each county legislator shall be a duly qualified elector of the legislative district from which he or she is elected. A county legislator shall not hold any other salaried elective public office during his or her tenure. Where a vacancy in an appointive county office takes place and the right to fill said vacancy is vested in the county executive, subject to confirmation by the county legislature, or the power of appointment is vested in the county legislature, a person, otherwise qualified, who is a member of the county legislature at the time the vacancy occurs may be appointed to fill the vacancy provided he or she shall have resigned prior to such appointment.

Amended by Local Law No. 7 1971

1971 Local Laws of Cities, Counties, Towns and Villages.

Added by Local Law No. 1 1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years.

Added by Local Law No. 1 1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Section 202.3. Increasing the salaries of county elected officials. The Erie county legislature is hereby prohibited from changing the salary of any county elected official, excluding the district attorney, except in accordance with the following procedure:

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1. Prior to acting upon the citizens salary review commission's biennial report, the county legislature shall hold at least one public hearing to solicit public input on said commission's recommendations.
2. Notices of all such public hearings shall be published at least once in the official newspaper or newspapers of the county and in such other newspapers as the county legislature may direct. At least five days but not more than ten days shall elapse between the first publication of such notice and the date specified for the hearing.
3. The county legislature shall have one year from the date said recommendations are submitted to adopt, modify, or reject the recommendations of the citizens salary review commission.
4. Any salaries approved by the county legislature in excess of those recommended by the citizens salary review commission shall be approved by a vote of at least two thirds of all the members of the county legislature.
5. The county legislature shall specifically establish the effective date of any adjustments in the salaries of elected county officials. No increase in the salary of an elected official shall be permitted for any fiscal year in which there is an increase in the real property tax levy over the tax levy of the previous fiscal year. Amended by Local Law No. 1 1992.
6. The county legislature's review of salaries as set forth above shall occur during every even year starting with nineteen hundred eighty six.

Section 202.4 The Legislature shall name an open meetings advisor from among its members to advise the body on compliance with New York State Open Meetings and Freedom of Information laws.

Section 202.4 added by Local Law No. 3-2006.

Amended by Local Law No. 1 1988.

Added by Local Law No. 6 1986.

Section 203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts. A local law is a law adopted pursuant to this charter within the power to do so granted by the constitution, any act of the legislature or provision of this charter. This term shall not include are solution, ordinance or legalizing act.

The county may adopt, amend and repeal a local law. A local law may relate to the property, affairs or government of the county or any other subject matter of county concern. In the exercise of such power the county may change, superseded or amend any act of the legislature. Such power shall include but not be limited to whatever power is vested in any county in the state of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charters, administrative codes, special acts or local laws.

Section 204. Form and procedure. Every local law shall be entitled "A local law" (amending etcetera or otherwise as the case may be). If a local law amends a specific state statute or specific

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local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.

1. The Legislature shall hold a public hearing 5-days before a local law, that is not certified as to the necessity of its immediate passage, can be put to a vote; acceptable public notice for this type of public hearing includes posting a notice on the county's official website and distribution of the notice to local media outlets.

Subsection a. Amended by Local Law No. 3-2006.

Except as otherwise provided in this charter the procedure for the adoption of a local law including referendum, mandatory or permissive, shall be as provided in the administrative code and in the absence thereof by applicable law.

Amended by Local Law No. 3-2006.

Section 205. Procedure for adoption of local laws. Every local law adopted by the county legislature shall be certified by the clerk thereof after its adoption by such body and shall be presented to the county executive for approval by him. No local law shall be approved by the county executive until a public hearing thereon has been held before him. This hearing shall be held on public notice of at least five days, such notice to be given by the county executive within ten days after the local law shall have been presented to him, and the hearing shall be held within twenty days after such presentation. If the county executive approves the local law, he or she shall sign it and return it to the clerk of the county legislature. If he or she disapproves it he or she shall return it to the clerk with his or her objections stated in writing, and the clerk shall present the law with such objections to the county legislature at its next regular meeting. Such objections shall be entered in the legislature's record of proceedings. The county legislature within thirty days thereafter may reconsider the local law. If after the reconsideration such local law is repassed by a vote of at least two thirds of the total voting power of the county legislature, it shall be deemed adopted, notwithstanding the objections of the county executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record of proceedings. If within thirty days after a local law shall have been presented to him the county executive shall neither approve it nor return it to the clerk with his or her objections, the local law shall be deemed to be adopted in like manner as if he or she had signed it. At any time prior to the approval of a local law or to its return by the county executive, the county legislature may recall the same and reconsider its action thereon.

NEW section 205 Added by Local Law No. 8 1974.

Former section 205 **REPEALED** by Local Law No. 8 1974.

Section 206. Filing and publication of local laws; judicial notice. The filing and publication of local laws shall be provided by section three hundred six of the county law, and the courts shall take judicial notice of all local laws, and of rules and regulations adopted pursuant thereto.

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Section 207. Referendum. A local law shall be subject to mandatory or permissive referendum when required by this charter, the administrative code or applicable law. Where no mandatory or permissive referendum is so required, the county legislature may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

Section 208. Effective date. After adoption, every local law shall become effective when filed in the office of the secretary of state or on such later date as in said local law provided.

Section 209. Ordinances. Ordinances may be adopted by the county legislature subject to veto by the county executive. The procedure shall be the same as herein provided for the adoption of local laws except that an ordinance shall not be subject to referendum, mandatory or permissive. An ordinance may provide for any subject matter of county concern not required to be provided by local law, legalizing act or resolution of the county legislature.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine and imprisonment or by two or more such penalties or punishments.

Ordinances, and their application, particular subjects and form may be as further provided in the administrative code.

Section 210. Advisory committee on reapportionment. During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the county legislature on whether and how the county legislature should be reapportioned consistent with federal and state law. During the first two months the chairman of the county legislature shall give public notice of the intent to create such an advisory committee and shall invite interested persons and groups to inform the county legislature of their availability to serve on such an advisory committee. The county legislature shall appoint the advisory committee consisting of fifteen members, as follows: the chairman of the county legislature or his or her designee, the majority and minority leaders of the legislature or their designees, the commissioners of the board of elections or their designees, and ten residents of Erie county representing interested community groups, five of whom shall be appointed by the majority leader and five of whom shall be appointed by the minority leader. The chairman of the advisory committee shall be appointed by the chairman of the legislature. The advisory committee shall submit its final report to the county legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie county, whichever is later. At any time prior to the expiration of this term, the county legislature may extend such term once, for a period not to exceed thirty days.

Amended by Local Law No. 7 1981.

Section 211. Approval of independent auditors. Upon reviewing the results of the audit committee's evaluation of all audit report and management letter proposals which have been certified by certified public accounting firms and said committee's recommendations for the award of audit report and management letter contracts, the county legislature shall by a

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majority vote enact a resolution specifying the name(s) of the certified public accounting firm(s) it has selected to prepare annual audit reports and accompanying management letters for the county of Erie and S.U.N.Y. at Erie Community College.

Section 211 amended by Local Law No. 3-2006.

Amended by Local Law No. 5 1985.

Article 2 was formerly numbered Article II.

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Article 3 - Executive Branch - Charter

Section 301. The county executive; election; term; qualifications.

302. Powers and duties.

303. Removal of the county executive.

304. Deputy county executive; how designated; when to act.

305. Division of budget and management.

306. Division of purchase; purchasing act Repealed.

307. Administrative heads; term; interim appointment; appointment of other officers and employees.

308. Confirmation by county legislature.

309. Powers of deputy county executive.

310. Division of information and support services.

311. Veterans' service agency.

Section 301. The county executive; election; term; qualifications. The executive branch of county government shall be administered by the county executive who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years, except that the term of the county executive elected in nineteen hundred sixty shall be for three years. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she

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shall devote his or her whole time to the duties of his or her office and shall hold no other public office, except as provided in section three hundred seven hereof.

Section 302. Powers and duties. The county executive, in addition to any other powers and duties provided by this charter shall:

- a. Except as otherwise provided in this charter, and subject to confirmation where so provided, appoint to serve during his or her pleasure the head of every department and other administrative unit of the county and the officers and employees in his or her own
- b. Be the chief executive officer and administrative head of the county government.
- c. office.
- d. Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which he or she has power to appoint.
- e. Be the chief budget officer of the county.
- f. Determine and fix real property tax equalization rates among the various taxing districts of the county for county purposes and file the same with the county legislature on or before the first day of November in each year.
- g. Have authority to appoint and terminate one or more temporary advisory boards of citizens of the county who shall, without compensation other than such necessary expenses as may be provided in the budget, assist in the consideration of county administrative policies and programs.
- h. Annually designate one or more depositories located within the county for the deposit of all moneys received by the commissioner of finance.
- i. Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings.
- j. Report to the county legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of March, the activities of the several administrative units of the county during the preceding fiscal year in such detail as the county legislature shall direct.
- k. Appoint a member of the county legislature to serve as chairman of such legislature (1) for the remainder of the calendar year in case the county legislature has failed to select a chairman on or before February first, or (2) for the unexpired term of the previous chairman in case the county legislature has failed to select a chairman within thirty days after a vacancy has occurred in the office of the chairman.
- l. Perform such other duties and have such other powers as may be prescribed for him by law, administrative code, county ordinance or resolution.
- m. In addition to the powers set forth in this charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this charter.
- n. Have all necessary incidental powers to perform and exercise any of the duties and functions specified above or lawfully delegated to him.
- o. Subject to section nineteen hundred two, section eighteen hundred thirteen and section two hundred eleven of this charter, contract with a firm of certified public accountants to

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perform an annual independent audit of county financial accounts to be completed and delivered to the county legislature within five months after the end of each fiscal year.

- p. Amended by Local Law No. 5 1985.
- q. Amended by Local Law No. 1 1982.
- r. Determine annually the amount of capital borrowings required to fund capital projects which were approved by the legislature in the current or prior year budgets.
- s. Added by Local Law No. 8 1988.
- t. Provide the comptroller by February fifteenth, or as soon as possible, thereafter, of each year with a listing of the capital projects the county plans to initiate during the fiscal year. Said listing shall describe each project, start up date, and the annual cash requirements until completion. Changes to this listing are to be provided throughout the fiscal year, as required.
- u. Added by Local Law No. 8 1988.
- v. Periodically advise the comptroller of short term borrowing needs due to requirements that the comptroller may not be aware of.
- w. Added by Local Law No. 8 1988.
- x. After preparation by comptroller, approve as to content all official statements necessary for the county to issue bonds or notes.
- y. Added by Local Law No. 8 1988.
- z. Not be an officer, director, or stockholder of any depository or depositories designated by him pursuant to this section.
- aa. Have authority to appoint, subject to confirmation by the county legislature, and county officer to be the county's records management officer. The county records management officer, who shall serve at the pleasure of the county executive, shall operate a records management system for the orderly and efficient management of all county records, including the provision of storage and retrieval services with respect to such records in any form, requiring either the retention of the contents or the actual preservations of such records, the identification and appropriate administration of county records deemed by him to have enduring value for historical or other research, and the coordination of the legal disposition of county records, including those which are obsolete. All county departments shall be required to avail themselves of said system.
- bb. Subsection s. Added by Local Law No. 8 1988.
- cc. Section 302 Amended by Local Law No. 8 1988.
- dd. Amended by Local Law No.7-2003.

Section 303. Removal of the county executive. The county executive may be removed by the governor in the manner provided in the public officers law for the removal of other county officers.

Section 304. Deputy county executive; how designated; when to act. The deputy county executive shall be first in the order of succession and shall perform the duties of the county executive during the latter's absence. The county executive shall designate in writing one or more appointive department or executive division heads, to perform the duties of the county executive

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during the absence of the county executive and the deputy county executive. Such appointment, with order of succession specified, shall be filed with the clerk of the legislature. Any such designation may be revoked by the county executive at any time by filing a notice of revocation with the clerk of the legislature. If a vacancy occurs in the office of the county executive, the deputy county executive shall serve until the vacancy is filled pursuant to this charter.

In the event that no deputy county executive has been appointed or is able to serve, the legislature shall designate an appointive department or executive division head to perform the duties of the office during the inability of the county executive to perform by reason of absence from the county or disability. Amended by Local Law No. 1 1971.

Section 305. Division of budget and management. There shall be in the office of the county executive a division of budget and management headed by a director of budget and management who shall be appointed by and will serve at the pleasure of the county executive. The director of budget and management shall assist the county executive in the preparation and administration of the operating and capital budgets, in the study of administrative efficiency, in monitoring the productivity of the various administrative units of county government and in the review of the management and performance audits issued by the comptroller. The director of budget and management shall report to the county executive on the implementation of such audit recommendations and his or her actions pertaining to efficiency and productivity monitoring.

All reference contained in this charter to the budget director shall be deemed to refer to the director of budget and management.

Amended by Local Law No. 2-2005.

Amended by Local Law No. 4-1985.

Amended by Local Law No. 3-1979.

Section 306. Division of purchase; purchasing act repealed. There shall be in the office of the county executive a division of purchase, headed by a purchasing director who shall be appointed by and serve at the pleasure of the county executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years professional training in the area of purchasing, or shall possess a combination of said requirements totaling at least five years. The purchasing director shall, in accordance with requirements as to advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the county, except as otherwise provided in this charter or the administrative code. He or she shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to the availability of funds. The Erie county purchasing act, being chapter one hundred sixty seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty one. Amended by Local Law No. 5 1980.

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Section 307. Administrative heads; term; interim appointment; appointment of other officers and employees. Except as otherwise provided in this charter, the county executive shall appoint, to serve during his or her pleasure or for such term as may be specified in this charter, the head of every department, division or other administrative unit not administered by another elective official. The appointment by the county executive of the head of each department, division or other administrative unit including the executive division, shall be subject to confirmation by the county legislature. The county executive may appoint one head for two or more departments, divisions or other administrative units, subject to all requirements as to qualifications and confirmation, or may himself so serve without such confirmation.

All appointments shall be in writing, signed by the county executive and filed in the office of the clerk of the county legislature within ten days after the date of appointment. No such appointee shall hold office beyond the term of the county executive by whom the appointment was made, except as otherwise specified in this charter or applicable law, and except that unless removed the appointee shall continue to serve until the successor is appointed and has qualified or until an interim appointment is made. All holdover appointments shall require reconfirmation by the legislature. In the event the legislature has neither reconfirmed nor rejected a holdover appointment within a period of thirty days after commencement of the term of the subsequently elected county executive, such appointment shall be deemed to be reconfirmed.

Upon confirmation by the county legislature and qualifying for the office, an appointee to the position of head of a department or other administrative unit shall enter upon the duties thereof. In the event the county legislature has neither confirmed nor rejected an appointment within a period of thirty days after the filing thereof with the clerk of the board, such appointment shall be deemed to be confirmed. Awaiting action by the county legislature the county executive may designate a qualified person to serve as such head for a period not to exceed thirty days in any calendar year.

Amended by Local Law No. 3-2006.

Section 308. Confirmation by county legislature. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of members of the county legislature taken at a regular or special meeting.

Section 309. Powers of deputy county executive. The deputy county executive shall act in the absence of the county executive and shall have all of the powers and duties of the county executive when so acting. The deputy county executive shall perform such duties and have such powers as shall be delegated by the county executive. Added by Local Law No. 1 1971.

Section 310. Division of information and support services.

- a. There shall be in the office of the county executive a division of information and support services, headed by a director of information and support services who shall be appointed

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by and serve at the pleasure of the county executive. The director shall provide such information and support services as provided for in the administrative code and shall operate such other central facilities as may be established by the county executive within the appropriations provided there for.

NEW section 310 Added by Local Law No. 3 1989.

Former section 310 **REPEALED** by Local Law No. 3 1989.

Amended by Local Law No. 5 1974.

Added by Local Law No. 13 1972.

- b. Within the division of information and support service there shall be an office of data processing, headed by the director of data processing who shall be appointed by and serve at the pleasure of the county executive. The director shall be a person meeting such qualifications as may be set out in this charter or in the administrative code at the time of his or her appointment. The director shall perform such data processing services as provided for in the administration code.

Amended by Local Law No. 3 1989.

Added by Local Law No. 11 1974.

- c. Subject to the approval of the county legislature, the county executive may enter into a contract with the federal government, state government or any municipal corporation to provide data processing services to such governments or units of government.

Amended by Local Law No. 3 1989.

Amended by Local Law No. 11 1974.

Added by Local Law No. 13 1972.

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 proscribed by law, by the county executive or by resolution of the county legislature.

Added by Local Law No. 1-2008.

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Article 3 was formerly numbered Article III.

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Article 4 - Department of Finance - Charter

Section 401. Department of Finance, Commissioner abolished
Director of Real Property Tax services.

402. Powers and duties.

Section 401. Department of real property tax services; director. There shall be a department of real property tax services headed by a director, who shall be appointed by the County Executive subject to confirmation by the county legislature.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 2 1975.

Section 402. Powers and duties. Except as otherwise provided in this charter, the director of real property tax services shall:

- a. Perform all duties in relation to the administration and collection of taxes heretofore performed by a county treasurer or commissioner of finance.
- b. Perform all duties in relation to the extension of taxes and the issuing of tax bills heretofore performed by the clerk of the county legislature.
- c. Keep a record of the transfer of title to real property and immediately notify the town clerk or the city board of assessors of all such transfers in each town or city, as the case may be.
- d. Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices.
- e. Submit annually to the county executive proposed county tax equalization rates consistent with standards prescribed by the legislature.
- f. Submit to the county legislature and county executive reports and interpretations thereof as requested on a timely basis.
- g. Perform all duties now or hereafter required by law to be performed by the county director of real property tax services.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 8 1988.

Amended by Local Law No. 4 1985.

Article 4 was formerly numbered Article IV.

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Article 5 - Department of Health - Charter

Section 501. County health district and department; commissioner; qualifications; appointment and term.

502. Powers and duties of the commissioner.

503. Board of health.

504. Sanitary code.

505. County laboratory district; county laboratory; director.

506. Division of Services to Persons with Special Needs; deputy commissioner

Section 501. County health district and department; commissioner; qualifications; appointment and term. The county, including the cities, towns and villages and special districts situated therein, shall continue to be a county health district. There shall be a department of health headed by a commissioner. The county executive shall appoint as commissioner of health a physician duly licensed to practice medicine in the state of New York, who shall be experienced in public health administration and shall possess such qualifications as are prescribed in the state sanitary code or otherwise by the public health council of the state of New York. Such appointment shall be subject to confirmation by the county legislature and shall be for the term or balance thereof of the county executive making such appointment.

Section 502. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law. He or she shall perform such additional and related duties as the county executive may prescribe.

The commissioner shall supervise and be responsible for, and shall appoint and have charge of the county medical examiners and their staff, which county medical examiners shall be physicians duly licensed to practice in the state of New York. The medical examiners shall have such powers and duties as are or may be prescribed by any state law, county law, special act, or local law, including any duties previously assigned to the medical director as regards inquiries into deaths occurring without medical attendance. The chief medical examiner shall be keeper of

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the morgue.

Amended by Local Law No. 4 1984.

Section 503. Board of health. There shall be in the department a board of health, the members of which shall be appointed by the county executive. The composition of such board in regard to the number of members and professional, governmental or other representation, and the terms of such members, shall be as provided in the public health law for a county board of health. The board of health shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the preservation and improvement of the public health and on matters relating to services and facilities of the county laboratory.

Amended by Local Law No. 8 1989.

Section 504. Sanitary code. The board of health may formulate, promulgate, adopt and publish rules, regulations, orders and directions relating to health in the county, which shall not be inconsistent with the public health law or the state sanitary code. Such rules, regulations, orders and directions shall be known as the county sanitary code. Any and all provisions of the Erie county sanitary code in effect at the time of adoption of this charter shall remain in full force and effect until amended or repealed by the board of health. No amendment of the county sanitary code with respect to the establishment or revision of schedules of fees by the board of health shall take effect until such amendment is ratified by the county legislature. If the legislature shall not ratify, modify or reject such amendments within sixty days following the presentation of such amendments to the clerk of the legislature by the board of health, then such amendments shall be deemed ratified.

The provisions of the county sanitary code shall have the force and effect of law. Penalties for violation of or non conformance with such code shall be as provided by such code or other applicable law. Certified copies of such code shall be received in evidence in all courts and proceedings in the state.

Amended by Local Law No. 1 1994

Amended by Local Law No. 9 1994.

Section 505. County laboratory district; county laboratory; director. The county, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the department an Erie county laboratory headed by a director. The commissioner of health shall appoint as laboratory director a person who shall possess such qualifications as may be prescribed by the public health council of the state of New York for a clinical laboratory director. Such appointments shall be for the term or balance thereof of the commissioner making such appointment.

The director shall exercise all the powers and duties heretofore or hereafter conferred or imposed upon him by the county charter, by the administrative code, by order or direction of the commissioner of health and by any applicable act of the legislature not inconsistent with the county charter or the administrative code. Such powers and duties shall include but shall not be

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limited to any power or duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the public health law or other applicable law.

The director shall be responsible for the serological, bacteriological and other public health laboratory work for the county laboratory district, as required by the health commissioner. Except as otherwise provided in this charter, the director shall exercise all powers and perform all duties of a county laboratory board.

Amended by Local Law No. 3-2006.

Added by Local Law No. 8 1989.

Section 506. Division of Services to Persons with Special Needs; deputy commissioner.

There shall be in the Department a Division of Services to Persons with Special Needs, headed by a deputy commissioner. The deputy commissioner shall be appointed by the commissioner and serve at the commissioner's pleasure. The deputy commissioner shall insure the continuance of beneficial programs and implement additional services in the County for adults and youths with special developmental and medical needs.

Added by Local Law No. 6-2001.

Article 5 was formerly numbered Article V.

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Article 6 - Department of Law - Charter

Section 601. Department of law; county attorney.

 602. Powers and duties.

Section 601. Department of law; county attorney. There shall be a department of law headed by the county attorney, who shall be appointed by the county executive subject to confirmation by the county legislature. He or she shall be a member in good standing of the bar of the state of New York.

Section 602. Powers and duties. The county attorney shall be the legal advisor for the county and, on its behalf in county matters, of its officers and administrative units. He or she shall, in all county legal matters of a civil nature, advise all county officers and employees and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith, prosecute or defend all actions or proceedings of a civil nature brought by or against the county; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the county legislature, together with notices and other items in connection therewith; and perform such additional and related duties as may be prescribed by law, by the county executive or by resolution of the county legislature.

Article 6 was formerly numbered Article VI.

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Article 7 - Department of Labor Relations - Charter

Section 701. Department of Labor Relations. There shall be a department of Labor Relations which shall be headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature.

Article 7 added by Local Law No. 3-2006.

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Article 8 - Department of Parks and Recreation - Charter

- Section 801. Department of parks, recreation and forestry.
802. Powers and duties.
803. County parks and other recreation facilities.

Section 801. Department of parks, recreation and forestry. There shall be a department of parks, recreation and forestry headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county Legislature.

Section 802. Powers and duties. Except as otherwise provided in this charter, the commissioner shall have supervision and control over the design, construction, operation, maintenance and repair of all county owned and operated properties and facilities for the following purposes; parks and recreation facilities therein, beaches, forest lands and golf courses, together with buildings, structures, roads, parking areas, utilities, equipment and appurtenances. The commissioner shall perform such additional and related duties as the county executive may prescribe.

Section 803. County parks and other recreation facilities. The county legislature is hereby authorized on behalf of the county to accept by gift and to acquire by purchase, condemnation, lease or otherwise, real property for the purposes set forth in section seven hundred two hereof. The county legislature may abandon such purposes by local law and may dispose of such property.

Amended by Local Law No. 3-2006.

Article 8 was formerly numbered Article VII.

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Article 9 - Department of Personnel - Charter

Section 901. Department of personnel; commissioner.

 902. Powers and duties.

Section 901. Department of personnel; commissioner. There shall be a department of personnel headed by a commissioner, who shall be appointed by the county executive subject to confirmation by the county legislature.

Section 902. Powers and duties. The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county civil service commissioner as provided by the civil service law, and, he or she shall be subject to supervision and control by the state civil service commission as are county civil service commissions. Provided, however, that the state civil service commission shall have exclusive jurisdiction to prepare and rate examinations and establish eligibility lists for all positions under the jurisdiction of the county personnel commissioner. The commissioner shall perform such additional and related duties as the county executive may prescribe.

Article 9 was formerly numbered Article VIII.

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Article 10 - Department of Environment and Planning - Charter

Section 1001. Department of environment and planning; commissioner; qualifications.

1002. Powers and duties of commissioner.

1003. County environmental quality code.

Section 1001. Department of environment and planning; commissioner; qualifications.

There shall be a department of environment and planning headed by a commissioner. He or she shall be appointed by the county executive, subject to confirmation by the county legislature. He or she shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental control or regional, county or municipal planning.

Section 1002. Powers and duties of commissioner. The commissioner of environment and planning shall have the following powers and duties:

- a. He or she shall administer the planning, environmental compliance, drainage, flood control, solid waste management, sewerage planning, construction and management functions vested in the executive branch of the county government, provided, however, that this provision shall not be deemed to restrict the powers or duties of any administrative body appointed, designated, or established in accordance with article five a of the county law and the Erie county charter and administrative code.
Amended by Local Law No. 6 1988.
- b. He or she shall head the department of environment and planning, supervise and direct its officers and employees, and make such assignments of powers and duties among them as he or she may consider advisable.
- c. He or she may promulgate, administer, enforce and amend a county environmental quality code, pursuant to section nine hundred three of this charter.
- d. He or she may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders or programs in relation to the control, enhancement and preservation of environmental resources.
- e. He or she shall advertise and call for bids on the construction of each sewer project of the county and such other projects as may be assigned to this department by the county legislature, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.
- f. He or she shall have such additional powers and duties as may be prescribed by the county executive.

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- g. He or she shall have all powers necessary or proper to the exercise of any of the duties or functions of the commissioner of the department of environment and planning.

Former subdivision h. **REPEALED** by Local Law No. 1 1986.

Former subdivision h. Added by Local Law No. 3 1978.

Section 1003. County environmental quality code. To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the public health law to formulate, promulgate, adopt, publish and enforce rules, regulations, orders and directions for the security of life and health to be known as a sanitary code may be exercised by the commissioner of environment and planning in formulating, promulgating, adopting, publishing and enforcing an environmental quality code. The commissioner may also promulgate such other and additional rules and regulations as he or she shall consider appropriate to enhance the quality, use and enjoyment of air, water and other resources within the county, in furtherance of public health, safety, and welfare. This shall not be deemed to limit the authority of the commissioner of health or the board of health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or amendment of the county environmental quality code, the commissioner shall conduct a public hearing, pursuant to the procedures set forth in section 9.06(a) of the Erie county administrative code. Following such public hearing, if the commissioner's decision is to adopt said proposed code or amendment, he or she shall file a copy of the said preliminary decision with the clerk of the legislature. If the county legislature shall so direct, pursuant to section 9.06(a) of the Erie county administrative code, the commissioner shall conduct a second public hearing.

Nothing in this section shall be construed to mean that the commissioner must promulgate or enforce such rules, regulations, orders and directions except as he or she has the necessary staff and funds to do so.

Article IX Environmental Management) **REPEALED** in its entirety and NEW article IX Added by Local Law No. 2 1977.

Former sections 904 and 905 **REPEALED** by Local Law No. 1 1986.

Former sections 904 and 905 Added by Local Law No. 3 1978.

Article 10 was formerly numbered Article IX.

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Article 11 - Department of Public Works - Charter

Section 1101. Department of public works; commissioner; qualifications.

1102. Powers and duties.

1103. Divisions of the department.

Section 1101. Department of public works; commissioner; qualifications. There shall be a department of public works headed by a commissioner. He or she shall be appointed by the county executive, subject to confirmation by the county legislature and shall be a professional engineer licensed and registered by the state of New York.

Section 1102. Powers and duties. Except as otherwise provided in this charter, the commissioner of public works shall:

- a. Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law and of a county traffic safety board pursuant to section sixteen hundred seventy five of the vehicle and traffic law.
- b. Have charge and supervision of the design, construction, reconstruction, alteration, maintenance, repair and operation of county buildings, grounds, parking fields, drives and walks, but not including custodial care of the community college, library, holding center, penitentiary or laboratory. Subsection b. amended by Local Law No. 3-2006.
- c. Advertise and call for bids on the construction of each public works project of the county, open such bids publicly, tabulate them and submit recommendations with respect thereto to the county legislature and county executive.
- d. Exercise all the powers and duties of administration and enforcement of the uniform fire prevention and building code pursuant to article eighteen of the executive law with respect to any and all buildings owned by the county of Erie.
- e. Perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 3-1998.

Amended by Local Law No. 14 1974.

Amended by Local Law No. 11 1972.

Amended by Local Law No. 1 1965.

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Section 1103. Divisions of the department. There shall be within the department of public works the following divisions: highways; buildings and grounds; and weights and measures.

Amended by Local Law No. 14 1974.

Added by Local Law No. 1 1965.

Article 11 (formerly Article X)

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Article 12 - Department of Social Welfare - Charter

Section 1201. Department of social welfare; commissioner; county welfare act repealed.

1202. Powers and duties of the commissioner.

1203. Welfare advisory board.

1204. Division of Youth Services.

1205. Youth Bureau Board.

1206. Executive Director of Youth Bureau.

Section 1201. Department of social welfare; commissioner; county welfare act repealed.

There shall be a department of social welfare headed by a commissioner who shall be appointed by the county executive subject to confirmation by the county legislature. The Erie county social welfare act, being chapter twenty eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 1202. Powers and duties of the commissioner. Except as otherwise provided in this charter, the commissioner of social welfare shall:

1. Have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the social welfare law or other applicable law.
2. REPEALED by Local Law No. 9 1989.
3. Establish a system whereby foster parents shall have in their possession authorization for immediate emergency medical treatment for all foster children in their care.
4. Establish an emergency telephone service, either within the Erie county department of social services or by contract arrangement with a related agency, which emergency telephone service shall be available on a twenty four hour basis for medical, psychiatric and non medical crises.
5. Perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 6 1975.

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Section 1203. Welfare advisory board. There shall be in the department a welfare advisory board of seven members appointed by the county executive for five year staggered terms. At least one member of such board shall be a physician licensed to practice in the state of New York. The welfare advisory board shall at the request of the commissioner, and may on its own initiative, advise on matters relating to the operation and improvement of the department or involving social welfare.

Section 1204. Division of Youth Services. There shall be within the department of social welfare a division of youth services, headed by a deputy commissioner. In addition to all other duties prescribed by local law, ordinance or resolution of the Legislature or by the commissioner of social welfare, the deputy commissioner of the division of youth services shall have charge of youth detention services and the youth bureau.

Section 1204 added by Local Law No. 3-2006.

Section 1205. Youth Bureau Board. There shall be established a youth bureau board to the division of youth services of the department of social welfare.

Section 1205 added by Local Law No. 3-2009.

Section 1206. Executive Director of Youth Bureau. There shall be an executive director of the youth bureau within the division of youth services of the department of social welfare. The executive director shall be appointed by the county executive subject to confirmation by the county legislature.

Section 1206 added by Local Law No. 3-2009

Article 12 was formerly numbered Article XI.

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Article 13 - Department of Mental Health - Charter

Section	1301.	Department of mental health; commissioner.
	1302.	Powers and duties.
	1303.	Advisory board.

Section 1301. Department of mental health; commissioner. There shall be a department of mental health, the head of which shall be the commissioner of mental health. He or she shall be appointed by the county executive subject to confirmation by the county legislature. The commissioner shall meet those qualifications fixed by the state department of mental hygiene and in existence at the time of his or her appointment.

Amended by Local Law No. 2 1988.

Section 1302. Powers and duties. Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. Within appropriations made available there for, the commissioner shall perform all duties with respect to child mental health services. He or she shall perform such additional and related duties as the county executive may prescribe.

Amended by Local Law No. 2 1989.

Section 1303. Advisory board. The county executive shall appoint a mental health advisory board which shall, at the request of the commissioner, and may on its own initiative, advise on matters relating to an adequate program of mental health services in the county. The composition of such board in regard to the number of members and the professional, governmental or other representation, and the terms of such members, shall be as provided in the mental hygiene law for the community mental health board.

Amended by Local Law No. 4 1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Article 13 was formerly numbered Article XI-B.

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Article 14 - Department of Emergency Services - Charter

Section 1401. Department established; commissioner of emergency services.

1402. Powers and duties.

1403. Advisory boards.

Section 1401. Department established; commissioner of emergency services. There shall be a department of emergency services, the head of which shall be the commissioner of emergency services. He or she shall be appointed by the county executive subject to confirmation by the county legislature to serve at the pleasure of the county executive.

Section 1402. Powers and duties. The commissioner of emergency services shall:

1. Have all the powers and perform all the duties conferred or imposed upon county directors of emergency medical services by the laws of the state of New York.
2. Plan, develop and coordinate, to the extent authorized by law or agreement, the implementation of protocols and procedures for, and the provision of, emergency medical services within the county of Erie, including, but not limited to: training and certification of persons as emergency medical technicians at one or more levels of service; communications services, including medical telemetry and control, between hospitals and ambulances by medical emergency radio system; ambulance dispatching, inspection and certification.
3. Have all the powers and shall perform all of the duties conferred or imposed upon county fire coordinators by the laws of the state of New York.
4. Have all the powers and execute the duties of the county executive in his or her capacity as the county's local director of civil defense under the New York state defense emergency act, being chapter eighty four of the laws of nineteen hundred and fifty one, as amended.
5. Develop, make public and regularly amend a county disaster preparedness plan, in accordance with article two B of the executive law, for the coordination of emergency services in the event of natural or other disaster or emergency.
6. Coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event of a declaration by the county executive of a state of emergency or disaster within the county or in the case such assistance is requested by the chief executive of any city, town or village within the county.

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7. Originate, coordinate, and promote programs with respect to fire safety, emergency medical services and disaster preparedness within the county of Erie.
8. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 1403. Advisory boards. The county executive shall appoint the following three advisory boards, which shall advise on matters relating to emergency medical services, fire safety, and civil defense/disaster preparedness, respectively, either at the request of the commissioner or upon their own initiative:

1. Emergency medical services advisory board.
2. Fire advisory board.
3. Civil defense/disaster preparedness advisory board.

Added by Local Law No. 1 1986.

Article 14 was formerly numbered Article XI-C.

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Article 15 - Department of Central Police Services - Charter

Section 1501. Department of central police services; commissioner.

1502. Powers and duties

1503. Board of trustees.

Section 1501. Department of central police services; commissioner. There shall be a department of central police services, the head of which shall be the commissioner of central police services. He or she shall be appointed by the county executive, subject to confirmation by the county legislature, from a list of three qualified candidates provided by the central police services board of trustees. The commissioner shall serve at the pleasure of the county executive.

Section 1502. Powers and duties. The commissioner of central police services shall:

1. Coordinate, administer, originate and promote programs of professional and technical services to police agencies in the county.
2. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

Section 1503. Board of trustees. The county executive shall appoint a central police services board of trustees of seven members which shall set the policy for the department and advise on matters relating to programs of professional and technical services to police agencies in the county. Should the office of commissioner become vacant, the central police services board of trustees shall submit a list of three qualified candidates to the county executive. Such board shall be composed of the commissioner of police of the city of Buffalo or the designee thereof; the inspector, division of administration and communications, Buffalo police department; the Erie county sheriff or the designee thereof; a member designee of the Erie county chiefs of police association; a designee of the county executive; a member of the Erie county legislature designated by the chairman of the legislature; and a designee of the association of Erie county governments, who is an elected official. Such board shall be responsible to the county executive.

Amended by Local Law No. 4-1999.

Amended by Local Law No. 12 1972.

Added by Local Law No. 3 1972.

Article 15 was formerly numbered Article XI-D.

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Article 16 - Department of Senior Services - Charter

Section	1601.	Department of senior services; commissioner.
	1602.	Powers and duties.
	1603.	Advisory board.

Section 1601. Department of senior services; commissioner. There shall be a department of senior services, the head of which shall be the commissioner. The commissioner of said department shall be appointed by and shall serve at the pleasure of the county executive. There shall be no deputy commissioner nor shall any position be created, by whatever title, providing for duties and emoluments which would be appurtenant in fact to the office of a deputy commissioner of the department.

Section 1602. Powers and duties. The commissioner of the department shall:

1. Act as a local administrative officer for planning and coordination of services for senior citizens in cooperation with the county executive and the county legislature;
2. Serve as an advocate in order to make existing service systems more effective and accessible to senior citizens;
3. Assess the future needs of senior citizens to insure the continuance of beneficial programs and to implement additional services according to need and demographics including handicapped and disabled senior citizens;
4. Apply for such federal and state funds and grants as may be beneficial to senior citizen's programs;
5. Function as a coordinator with the cities, towns and villages within the county for community based systems for senior citizens;
6. Gather and disseminate information relating to the needs of the aging and inform the public through an awareness program of the services and facilities available to senior citizens;
7. Initiate and monitor programs to preserve the safety of senior citizens with respect to transportation services and crime prevention;
8. Perform such further duties as may be prescribed or directed by the county executive or the county legislature.

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Section 1603. Advisory board. There shall be established an advisory board to the department of senior services.

Added by Local Law No. 5 1979.

Article 16 was formerly numbered Article XI-E.

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Article 17 - Office of Public Advocacy - Charter

Section	1701.	Office of public advocacy
	1702.	Division of equal employment opportunity
	1703.	Advisory board to division of equal employment opportunity
	1704.	Division on the status of women
	1705.	Advisory commission to division on the status of women
	1706.	Division for the disabled
	1707.	Advisory board to division for the disabled
	1708.	Consumer protection committee

Section 1701. 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 for the disabled and consumer protection committee;
2. Report to the county executive and the Legislature on an annual basis on all activities related to fulfilling the obligations of the office of public advocacy.

Section 1702. 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:

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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 1703. Advisory board to division of equal employment opportunity. There shall be established an advisory board to the division of equal employment opportunity.

Section 1704. 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 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 1705. 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.

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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 1706. 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 executive and county Legislature.

Section 1707. Advisory board to division for the disabled. There shall be established an advisory board to the division for the disabled.

Section 1708. 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

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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;
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.

Article 17 is former Article 18, amended by Local Law No. 3-2009.

Amended by Local Law No. 1-2008.

Added by Local Law No. 3-2006.

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Article 18 - Comptroller - Charter

Section 1801. Election; comptroller's act **Repealed.**

1802. Powers and duties.

Section 1801. Election; comptroller's act repealed. There shall be a county comptroller who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office. The Erie county comptroller's act, being chapter four hundred twenty three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Section 1802. Powers and duties. The comptroller shall:

- a. Be the chief fiscal, accounting, reporting and auditing officer of the county, and oversee the fiscal affairs of the county including the sale of all bonds and notes and the investment of proceeds thereof and the investment of agency and trust funds, as well as general and operating fund revenues.
- b. Maintain the official accounting records for all receipts and disbursements of the county, including liabilities, fund balances, encumbrances, expenditures, appropriations, revenues and estimated revenues and prescribe approved methods of accounting for county officers and administrative units in accordance with standards and policies prescribed by the New York state comptroller and the governmental accounting standards board.
- c. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible, and certify as to the availability of funds therefor.
- d. Audit and certify for payment all lawful claims, or charges against the county or against funds for which the county is responsible.
- e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the county is responsible in conformity with generally accepted auditing standards as prescribed by the american institute of certified public accountants and the comptroller general of the United States, and submit such audit reports to the legislature.
- f. Procure statements from all depositories of county funds and funds for which the county is responsible, and reconcile such statements with county accountants.
- g. Conduct management and performance audits of county administrative units and county funded programs in conformity with generally accepted auditing standards as prescribed

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by the american institute of certified public accountants and the comptroller general of the United States and submit such audit reports to the legislature.

- h. Provide such other accounting reports and interpretation thereof to the county executive and legislature as requested on a timely basis.
- i. Submit to the county legislature and county executive and the independent auditor hired by the county pursuant to charter section nineteen hundred two, monthly accounting reports of appropriations, encumbrances, expenditures and revenues on an accrual basis from the county's computerized accounting system, monthly statements from all depositories of county funds and funds for which the county is responsible, quarterly financial statements for the first three quarters of each fiscal year and annually a comprehensive financial statement containing a balance sheet and statement of revenues, expenditures and changes in fund balances.
- j. Provide all records and reports requested or required by New York state, the independent auditor for the annual audit of the county's financial statements, and other independent auditors under contract with the county of Erie.
- k. With the assistance of the county attorney or his or her designee, prepare bond resolutions for approval by the county legislature and secure funds from the bond market for approved capital projects. Notification of plans to secure both funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing interest rate, and repayment schedule. In addition, once the Erie county legislature and county executive approve the bond resolution, the comptroller must, as requested, seek financing of said bond resolution. Furthermore, after the required approvals by the Erie county legislature and the county executive, funds approved for capital projects must be released by the comptroller.
- l. Prepare annual cash flow statements, monitor cash flow, and when necessary, secure short term funds. Notification of plans to secure short term funds shall be provided to the county executive and the legislature fifteen days in advance of borrowing. A report of funds secured shall be provided to the county executive, legislature, finance commissioner, and budget director within fifteen days after funds are secured. This report shall disclose the type of instrument used, all costs associated with the borrowing, interest rate, and repayment schedule.
- m. Issue and certify any official statement necessary for the county to issue bonds or notes, provided such statement must have been approved as to content by the county executive and as to form by the county attorney or his or her designee.
- n. Provide the director of budget and management, the finance commissioner, and the county executive with complete debt service information for the annual budget, information on the monthly cash flow statements, and other reports as required, in accordance with time guidelines established by the budget director.
- o. On or before the 15th of October, review all revenue projections to be used in the proposed tentative budget prepared by the county executive and submit to the legislature

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in writing a report indicating whether or not the projections are suitable estimates for the ensuing year. Should the comptroller determine that the revenue projections are not suitable for the ensuing fiscal year, the legislature, upon notice from the comptroller may revise such projections downward upon a two-thirds majority vote. The legislature shall not revise such revenue projections upward.

- p. Be responsible for the collection and recovery of accounts receivable due the county provided , however, that the hiring of legal counsel to collect and recover accounts receivable shall be subject to the provisions set forth in Section 6.02 of the administrative code.
- q. Perform such additional and related duties as may be prescribed by local law.
- r. As a part of the budget process, provide the county executive with an annual plan of investment and interest earnings.
- s. Have custody of all accounts.
- t. Be responsible for the provision of all accounting services to all county departments, offices and units as part of a centralized accounting system.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 8 1988.

Amended by Local Law No. 4 1985.

Article 18 was formerly numbered Article 19, which was formerly Article XII. See Local Law No. 3-2009.

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Article 19 - County Clerk - Charter

Section	1901.	Election.
	1902.	Powers and Duties.

Section 1901. Election. There shall be a county clerk who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Section 1902. Powers and duties. Except wherein consistent with this charter, the county clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He or she shall perform such additional and related duties as may be prescribed by local law.

Article 19 was formerly numbered Article 20, which was formerly numbered Article XIII.

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Article 20 - District Attorney - Charter

Section	2001.	Election.
	2002.	Powers and duties.

Section 2001. Election. There shall be a district attorney who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Section 2002. Powers and duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He or she shall perform such additional and related duties as may be prescribed by local law.

Article 20 was formerly numbered Article 21, which was formerly numbered Article XIV.

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Article 21 - Sheriff - Charter

Section	2101.	Election.
	2102.	Powers and duties.
	2103.	Deputies and employees.
	2104.	Erie county holding center.
	2105.	Appointment of superintendent.

Section 2101. Election. There shall be a sheriff who shall be elected from the county at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years except as otherwise provided in this charter. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the county. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Section 2102. Powers and duties. The sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He or she shall perform such additional and related duties as may be prescribed by local law.

Section 2103. Deputies and employees.

- a. The deputies and employees of the Erie county sheriff's department shall be in the classified service under the provisions of the civil service law of the state of New York, and shall be subject to and governed and controlled by the rules and regulations of the New York state department of civil service as follows:
 1. All personnel employed by the sheriff of Erie county in the following titles, shall be within the competitive class of the classified service: assistant chief deputy, criminal; deputy sheriff, criminal; senior communications officer; communications officer, chief identification officer; identification officer; principal guard; jail guard; hospital guard; matron; steward.
 2. Personnel holding the following titles shall be within the non competitive class of the classified service: chief criminal deputy; superintendent of jails; assistant

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- superintendent of jails; cook; assistant cook; registered nurse; medical aide; extern; hospital guard (PT); special deputy (PT).
3. Personnel holding the following titles shall be within the labor class of the classified service: laborer; cleaner; kitchen helper.
 4. Personnel holding the following titles shall be within the exempt class of the classified service: protestant chaplain; catholic chaplain.
 5. Detective deputies and special deputies shall be temporary assignments, to be made by the sheriff from the ranks of the criminal deputies, and to serve at his or her pleasure, within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.
- b. Personnel holding the following titles shall be continued within the classification known as "Flaherty": undersheriff; inspector; deputy sheriff, civil (including court deputies); deputy sheriff, female; secretary to the sheriff; principal deputy, courts; assistant chief deputy sheriff, civil; assistant to bookkeeper; chief account clerk; senior account clerk; cashier; senior clerk stenographer; clerk stenographer; clerk typist; telephone operator. Appointments to these positions shall be made by the sheriff, to serve at his or her pleasure within the limitations set forth in any bargaining agreement pursuant to the provisions of the public employees' fair employment act.
- c. All titles other than those listed in subdivisions A and B above shall be classified in accordance with the rules and regulations of the civil service law of the state of New York.
- d. All personnel employed by the Erie county sheriff's department who hold positions which are within the classified service under the New York state civil service law and who have served for one year in their respective positions prior to the effective date of this local law shall be covered in in the respective positions without further examination.

Subsection D. Added by Local Law No. 5 1973.

NEW section 2103 (formerly 2203, formerly 1503) Added by Local Law No. 4 1973.

Former section 1503 **REPEALED** by Local Law No. 4 1973.

Former section 1503 Added by Local Law No. 2 1969

1969 Local Laws of Cities, Counties, Towns and Villages.

Section 2104. Erie county holding center. The Erie county jail shall be known hence forth as the Erie county holding center. Whenever the terms "Erie county jail", "county jail", or "correctional facility" when used in reference to the Erie county jail, or any variations of these terms appear in this charter, the Erie county administrative code, or in any other statute, local law or ordinance, they shall be deemed as applying to the Erie county holding center.

Added by Local Law No. 12 1973.

Section 2105. The sheriff shall appoint the superintendent of the Erie county correctional facility to serve at his or her pleasure. At the discretion of the Sheriff, the superintendent may hold another position within the Erie county sheriff's department. In such a case, the superintendent shall only be paid the salary of one position as designated by the sheriff.

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Added by Local Law No. 5-2000.

Article 21 was formerly numbered Article 22, which was formerly numbered Article XV.

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Article 22 - Other County Boards, Offices, Institutions and Functions - Charter

Section	2201.	Board of elections.
	2202.	Traffic safety advisory board.
	2203.	Department of Probation.
	2204.	Other boards; how appointed.
	2205.	Advisory boards.
	2206.	Additional appointments by county executive.
	2207.	Miscellaneous administrative functions.
	2208.	Erie and Niagara counties regional planning board.

Section 2201. Board of elections. The board of elections, its powers and duties and the method of appointment of the members thereof by the county legislature shall continue as provided by law.

Section 2202. Traffic safety advisory board. The county executive shall appoint a traffic safety advisory board which shall at the request of the commissioner of public works, and may on its own initiative, advise on matters relating to traffic safety in the county.

Amended by Local Law No. 6 1972.

Amended by Local Law No. 1 1964

1964 Local Law of Cities, Counties, Towns and Villages.

Section 2203. Department of Probation. There shall be a Department of Probation headed by a commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature.

Amended by Local Law No. 3-2006.

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Amended by Local Law No. 6-2001.

Amended by Local Law No. 2 1987.

Section 2204. Other boards; how appointed. The alcoholic beverage control board, the board of trustees of the Buffalo and Erie county public library, the board of trustees of the S.U.N.Y. at Erie Community College, the fire advisory board and the vocational education and extension board shall continue as provided by law except that the power of appointment residing in the county legislature or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised on and after January first, nineteen hundred and sixty one, by the county executive, subject to confirmation by the county legislature. The appointment of any head, board or agency in relation to a county sewer, water, drainage or small water shed protection district or to any other county district of a similar nature shall be by the county executive and shall be subject to confirmation by the county legislature. Except as otherwise provided in this charter or the administrative code, other appointments to boards and like units shall be made in the manner provided by applicable law.

Amended by Local Law No. 3-2006.

Section 2205. Advisory boards. To better fulfill the purpose, responsibilities and goals of each department of the county, or comply with the requirements of NYS law, citizens' advisory boards may be established. Unless otherwise stipulated elsewhere in this charter or through NYS law, advisory boards for Erie County shall be constituted as follows:

- A. New advisory boards may be established by the county executive or the county legislature.
- B. Advisory boards shall consist of an odd number of members, at least seven and at most fifteen. Members shall be residents of Erie County.
- C. Members shall be appointed by the creating authority.
- D. Members shall serve three-year terms and may serve no more than two consecutive terms; those who have served two consecutive terms shall be eligible again after a two-year absence.
- E. The creating authority shall fill any vacancies within sixty days. If a member leaves a board before the end of his or her term, the replacement shall serve for the duration of the term; if the time remaining in the term is less than eighteen months, the replacement shall still be eligible for two consecutive full terms at the conclusion of the partial one.
- F. Each advisory board shall elect one of its members to serve a two-year term as chair; no chair may serve more than two consecutive terms.
- G. Advisory boards shall meet at least four times per year, and meetings shall be held in compliance with the Open Meetings Law. If a board fails to hold the minimum number of meetings, the creating authority shall investigate why, and is authorized to remove an ineffective chair or any inactive members, or to recommend that the legislature abolish the board.

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- H. Each advisory board chair shall submit an annual report to the county executive and the legislature stating the board's accomplishments during the past year and plans for the upcoming year.
- I. Members of advisory boards shall serve without compensation.
- J. To further define their structure and procedures, each advisory board may adopt bylaws that are not in conflict with this section, subject to the approval of the creating authority.

Section 2205 (formerly Section 2305) added by Local Law No. 3-2006.

Section 2206. Additional appointments by county executive. The county historian, the veterans' service officer and the head of any other county administrative unit, except as otherwise provided in this charter, shall be appointed by the county executive, subject to confirmation by the county legislature. All such appointees shall serve at the pleasure of the county executive. Amended by Local Law No. 5-2000.

NEW section 2206 (formerly section 2306, formerly Section 1608) Added by Local Law No. 3 1978.

Former section 1608 **REPEALED** by Local Law No. 3 1978.

NEW section 1608 Added by Local Law No. 17 1973.

Former section 1608 **REPEALED** by Local Law No. 17 1973.

NEW section 1608 Added by Local Law No. 15 1973.

Former section 1608 **REPEALED** by Local Law No. 15 1973.

Amended by Local Law No. 9 1972.

Amended by Local Law No. 1 1964

1964 Local Laws of Cities, Counties, Towns and Villages.

Section 2207. Miscellaneous administrative functions. Administrative functions not otherwise assigned by this charter or the administrative code shall be assigned by the county executive to an administrative unit under his or her supervision.

Section 2208. Erie and Niagara counties regional planning board. The county executive shall, subject to confirmation by the county legislature, appoint all Erie county members of the Erie and Niagara counties regional planning board, notwithstanding any inconsistent provisions of any general or specific law. "There shall be no ex officio members of such board." Added by Local Law No. 1 1974.

Article 22 was formerly numbered Article 23, which was formerly numbered Article XVI.

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Article 22-A - Erie County Environmental Management Council - Charter

Section 22-A-01. Declaration of policy.

22-A-02. Establishment of the Erie county environmental management council; membership.

22-A-03. Powers, duties and functions of the council.

22-A-04. Compensation and expenses.

22-A-05. Effective date.

Section 22-A-01. Declaration of policy. The legislature hereby finds and declares that the management and conservation of our environment is essential to the health and well being of the people of the county. Local understanding of the importance of all aspects of the environment is necessary for the most wise and balanced use of our natural resources. Local and inter municipal participation is imperative in the planning and control of activities which influence the ecological balance of the county and the natural and functional beauty of its surroundings.

The legislature, therefore, deems it in the best interest of the county that a county environmental management council be responsible for reviewing and advising local and state government on present and proposed methods and plans for preserving, enhancing, and using the environment for the protection and benefit of all the people, and for fostering unified action on environmental problems among local governments and among public and private agencies and organizations operative within the county.

Section 22-A-02. Establishment of the Erie county environmental management council; membership. There is hereby established, pursuant to article nineteen of the conservation law and the municipal home rule, a county environmental management council, to be known as the Erie county environmental management council, hereinafter called the council. The council shall be appointed by the county executive, subject to the confirmation of the legislature, and shall consist of twelve members at large and one member recommended to the county executive by and from each town, village or city environmental or conservation management council established by the official governing body of such town, village or city. The term of all members shall be two years. Vacancies on the council shall be filled in the same manner as the original appointment except that a vacancy occurring through circumstances other than by expiration of term of office shall be filled only for the remainder of the unexpired term. In addition, the

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commissioner of environment and planning, the commissioner of health, and are representative of the Erie and Niagara counties regional planning board shall be ex officio voting members of the council.

The county executive shall appoint one member of the council as chairman thereof. The council shall meet at least four times each year. The council shall adopt rules and procedures for its meetings, shall keep accurate records of its meetings and activities, and shall file the annual report and plan as provided in section sixteen hundred twenty two of this law.

Amended by Local Law No. 2 1977.

Amended by Local Law No. 16 1974.

Amended by Local Law No. 1 1972.

Section 22-A-03. Powers, duties and functions of the council. The council shall review the state of the county environment as a whole, and shall present a preliminary report of its findings to the county executive and the legislature on or before September first, nineteen hundred seventy one and a full report annually thereafter. The council shall cooperate with the planning commissioner in annually preparing a plan for the protection of the county's environment and the management of its natural resources, and shall transmit it to the county executive and the legislature. The council shall investigate and recommend to the county executive and the legislature ecologically sound methods of planning the use of the county's resources.

The council shall investigate all of the operations of county government in its various departments with respect to the environment and ecology of the county, analyze such investigation, and within three months after its creation report to the county executive and the legislature the feasibility and the advisability of creating in the county of Erie a department of environmental conservation to which all of the presently scattered activities with respect to the environment and ecology would be transferred for administration in a manner similar to that of the New York state department of environmental conservation.

The council shall prepare and keep current an index of all open areas within the county, including but not limited to those open land areas, scenic and natural features, natural areas, shorelines, marshlands, swamps, and other wetlands in the county and including such lands owned by any municipality within the county, for the purpose of obtaining information pertinent to the preservation, enhancement, and use of such areas. The council may recommend to the county executive and legislature a program for the protection, preservation, and use of such areas.

The council shall advise and make recommendations to the county executive and the legislature as they may direct or as may be deemed appropriate on matters affecting the preservation, development, and use of the natural and man made features and conditions of the county insofar as they have a bearing on environmental quality and on the effects of man's activities and development on environmental quality.

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The council shall develop, recommend and assist in the conduct of a program of public information in the county which shall be designed to increase understanding of the environmental problems and issues and to foster support for their solutions.

The council shall develop, recommend and assist in the conduct of a program to improve the coordination and effectiveness of public and private projects and activities in the county in accord with the purposes of this law, working in cooperation with the environmental or conservation commissions in the cities, towns, and villages within the county and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action.

The council shall maintain liaison with local and regional planning agencies, regional water resources planning and development boards, environmental management councils or their equivalents in counties adjacent to the county of Erie, and other such public and private regional bodies in the United States and Canada affecting the conservation of environmental quality, with the purpose of improving coordination of planning and activities.

To assist in carrying out the aforementioned functions the council may:

- a. Conduct or recommend studies, surveys and inventories as are in accord with the general purposes of this law, and do so with appropriate coordination with existing or prospective work of a similar nature performed by federal, state, county, municipal, or private agencies and organizations.
- b. Cooperate with and assist such other governmental or non governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county executive or legislature may direct.
- c. Advertise, prepare, print, and distribute books, maps, charts, and pamphlets if in its judgment and within appropriations therefor it deems them necessary for its work.
- d. Hold public and private hearings for specified purpose of this law.
- e. Report its findings to the county executive, county legislature, public and private agencies and organizations, and interested private citizens.

Section 22-A-04. Compensation and expenses. Unless otherwise provided by recommendations of the county executive and resolution of the legislature, the members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties hereunder.

Section 22-A-05. Effective date. This local law shall take effect immediately. Added by Local Law No. 3 1971.

Article 22-A was formerly numbered 23-A, which was formerly numbered Article XVI-A.

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Article 22-B - Citizens Salary Review Commission - Charter

Section	22-B-01.	Establishment and membership.
	22-B-02.	Duties of commission.

Section 22-B-01. Establishment and membership. There is hereby established a citizens salary review commission, to be known as the citizens salary review commission of Erie county, herein after called the commission. The commission shall consist of nine members and it shall be representative of taxpayer, civic, labor, business, professional, financial and minority groups in the county of Erie. Six members of the commission shall be appointed by the county executive. Two of the members of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a majority of the legislature. One member of the commission shall be appointed by a majority vote of the members of the political party whose membership of the county legislature constitutes a minority vote of the legislature.

Each executive and legislative appointment to the commission shall be for a full term of three years, except that the appointment of a person to fill a vacancy occurring by death, resignation, or cause other than the expiration of a term, shall be made for the unexpired term. Each member shall continue to serve until the appointment and qualification of his or her successor. Vacancies shall be filled and the appointments of successors shall be made in the same manner as original appointments by the appointing authority responsible for the original appointment. The term of office of all members of the commission shall be deemed as commencing on July first, nineteen hundred eighty six.

Section 22-B-02. Duties of commission. Beginning on July first, nineteen hundred eighty six, the commission shall review the salaries of all elected officials of the county of Erie, except for the district attorney, and report its recommendations to the county executive and the county legislature by September first of that year. The committee shall provide ample opportunity for public input prior to making its recommendations to the county executive and county legislature. Such a review of salaries set as forth above shall occur during every even year starting with nineteen hundred eighty six.

Added by Local Law No. 6 1986.

Article 22-B was formerly numbered article 23-B, which was formerly numbered Article XVI-E*.

* See also article XVI E, Erie County Commission on the Status of Women, Added by Local Law No. 3 1987, REPEALED by Local Law No. 3-2006.

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Article 22-C - Erie County Community Coordinating Council on Children and Families - Charter

Section	22-C-01.	Legislative declaration of policy.
	22-C-02.	Establishment, powers and duties.
	22-C-03.	Membership, meetings.
	22-C-04.	The county executive.
	22-C-05.	Staff.
	22-C-06.	Effective date.

Section 22-C-01. Legislative declaration of policy. It is hereby declared to be the public policy of Erie county, New York, to take all proper measures to preserve and strengthen the family unit and to aid in the establishment of a nurturing environment to encourage the proper development of children.

To further this policy the Erie county government provides evaluation, treatment and preventative services to the children and families of Erie county.

The Erie county legislature finds that this policy and these services can be more effectively administered and efficiently delivered by systematic coordination among the local government, public voluntary system of social, educational, health, mental health and other supportive and rehabilitative services to children and families.

The services system can be strengthened by:

1. Fostering cooperation among local government and both public and voluntary agencies to provide better coordination supervision of services to children and families.
2. Eliminating duplication of services where possible and maximizing service provisions through judicious use of tax dollars, grants and other funding mechanisms as may become available.

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3. Stressing more meaningful accountability by providers, in all sectors, regarding the quality and quantity of services provided to children and families.
4. Improving methods of ascertaining community needs and setting program goals as they relate to services for children and families.

Section 22-C-02. Establishment, powers and duties. There is hereby created, the Erie county community coordinating council on children and families, hereafter called council. The council shall:

1. Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services.
2. Identify problems and deficiencies in existing services and recommend corrective action.
3. Improve coordination of program and fiscal resources within the children's services system.
4. Act as a liaison between county governmental units, public voluntary programs and the state and federal government, fostering better communication between all involved.
5. Review and resolve administrative, and where appropriate, regulatory differences between agencies.
6. Develop long range plans to improve services to children and families. This should be accomplished through a five year comprehensive service plan similar to those utilized by county departments.
7. Act as a forum for community discussion of issues pertaining to services for children and families.
8. Carry out any and all activities deemed necessary to accomplish the goals of the council as stated herein.

Section 22-C-03. Membership; meetings. The council shall consist of the following members: the Erie county commissioners of youth, social services, health and mental health, the director of the office for the disabled and the chief clerk from the Erie county family court, three consumer/client representatives, and five representatives from local charitable and/or community based organizations concerned with children and families, the director of the office of probation, one representative from a suburban school district and two representatives from the youth planning council of Buffalo and the president of the united way agency executives association, a representative of the western New York school board association and four members of the business community.

The legislature shall appoint the eight community representatives and two representatives of the business community as follows: six to be named by the majority and four to be named by the minority. Five of these members shall serve two year terms and five shall serve three year terms. These members can only be reappointed once.

The county executive shall appoint the one representative from a suburban school district and the two representatives from the youth planning council of Buffalo and the president of the united

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way agency executives association, a representative of the western New York school board association and two representatives of the business community.

The chair shall be appointed by the county executive and confirmed by the legislature, and shall not be one of the twenty four members previously stated.

The council shall have the authority to appoint ad hoc council members to advise them, as they may deem necessary.

The council shall have at least four meetings each year with at least one meeting to be in each quarter of the year. The council shall adopt rules and procedures for its meetings; shall keep accurate records of its meetings and activities, and shall file an annual report with the county legislature and the county executive.

The council shall convene for its first meeting in the quarter of the year in which they are appointed. The council shall present its first report to the legislature before adoption of the annual budget in the year they are appointed, and every year thereafter on June first.

The annual report shall include the methodology for acquiring accurate statistics, which the council will use to evaluate and plan for services. Also, they should report any short term budget recommendations for the nineteen hundred ninety three budget.

The council shall then make yearly budget recommendations and five year service plans.

Section 22-C-04. The county executive. The county executive shall require any county department, division, board, council, committee, authority or agency, or other unit or any agency or organization receiving county funding, to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 22-C-05. Staff. The council shall be provided with a coordinator, under the auspices of the county executive to serve the council in capacities which include managing the correspondence of the council; providing a schedule of meeting dates; distributing a calendar of information on programs and events members may be interested in attending. The coordinator shall also serve as research assistant, and coordinate and implement the use of the monitoring mechanism, so that the council shall have service and program data to use in its planning efforts. The council and its coordinator shall also have access to secretarial staff as needed to complete its tasks.

Section 22-C-06. Effective date. This law shall take effect immediately.

Amended by Local Law No. 3 1992.

Amended by Local Law No. 7 1990.

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Added by Local Law No. 4 1988.

Article 22-C was formerly numbered article 23-C, which was formerly numbered Article XVI-F.

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Article 23 - Autonomous Institutions - Charter

Section	2301.	Erie Community College
	2302.	Erie County Medical Center Corporation
	2303.	Buffalo and Erie County Public Library
	2304.	Support of public libraries

Section 2301. Erie Community College. As authorized and set forth in Article 126 of the Education Law of the State of New York and other applicable laws, there shall be a State University of New York Erie Community College ("S.U.N.Y. at ECC"), which is governed by a board of trustees. The number of trustees and their manner of appointment shall be as set forth in §6306 of said Education Law as presently constituted or hereafter amended, except that the power of appointment shall be exercised by the county executive, subject to confirmation by the county legislature. The college's fiscal operations shall be as set forth in Plan C of the NYS Education Law.

- a. Powers and duties of board of trustees. The Board of Trustees of S.U.N.Y ECC shall have the powers and duties set forth in Article 126 of the Education Law of the State of New York and other applicable laws, including but not limited to the following which are found in Article 126 of the Education Law.
 1. To appoint a president of the college, subject to approval by the State University Trustees;
 2. To appoint or delegate to the president of the college the appointment of other members of the staff;
 3. To adopt curricula for the college, subject to the approval of the State University Trustees;
 4. To prepare a budget for submission to and approval by the County Legislature under policy and procedures for budgets found elsewhere in the Charter;
 5. To discharge such other duties as may be appropriate or necessary for the effective operation of the college, and may be required by other laws.
- b. Audits. The Erie County Legislature together with the county executive shall have the authority to request from time to time that an audit of ECC's financial records be conducted under the direction of the county comptroller. The request will be made in writing by the legislature and will not be unreasonably denied by the college.

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- c. Training of county personnel. S.U.N.Y at ECC is to be a dynamic, vibrant part of the college. To that end, the college and the county are to work together to find synergies between them whereby the college becomes the educational vehicle of choice for training of county personnel and the personnel in other municipalities whenever it is in the best interest of both parties—fiscally, educationally, and operationally—to do so.

Section 2302. Erie County Medical Center Corporation. The former Erie County Medical Center (ECMC) is now recognized as Erie County Medical Center Corporation (ECMCC), a public benefit corporation organized under the New York State Public Authorities Law. Should ownership of the former Erie County Medical Center Health Care Network revert from ECMCC to the county, the county executive shall appoint a five-member board of directors to operate the hospital on an interim basis. The interim board shall, within 120 days, develop a new organizational structure for operation of the hospital, consistent with the county strategic plan and fiscal condition, subject to approval by the county legislature and county executive. The interim board shall continue to operate the hospital until the new structure can be implemented, but for no longer than one year from its time of appointment.

Section 2303. Buffalo and Erie County Public Library.

The Buffalo and Erie County Library system is governed under New York State law, Chapter 768 of the Laws of 1953, and is funded under Section 259 of the Education Law. It is a corporation chartered by the New York State Board of Regents, and its board of trustees has all the powers and duties set forth in New York State law.

Section 2304. Support of public libraries.

1. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.
2. The Erie county Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie County budget.

Article 23 added by Local Law No. 3-2006.

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Article 23 was formerly numbered Article 24.

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Article 24 - Service Relationships with Local Municipalities - Charter

Section 2401. Local government functions, facilities and powers not transferred, altered or impaired.

2402. Contracts with public corporations.

Section 2401. Local government functions, facilities and powers not transferred, altered or impaired. This charter shall not transfer, alter or impair any function, facility or power of any city, town, village, school district or other district.

Section 2402. Contracts with public corporations. The county of Erie shall have power to contract with any municipality or public authority situated within or adjacent to the county, or with any combination of such municipalities or public authorities, for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. A municipality or authority receiving the benefit of a facility or service provided under any such contract shall bear all the costs and expenses occasioned by the provision thereof for such municipality or authority, including but limited to a just proportional charge for central facilities and central or administrative services related thereto.

Article 24 was formerly numbered article 25, which was formerly numbered Article XXII.

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Article 25 - Financial Procedures - Charter

Section 2501. Fiscal year.

2502 Preparation of proposed tentative operation and maintenance budget.

2503. Tentative budget and capital program by county executive.

2504 Preparation of proposed tentative capital budget program.

2505 Fund balance.

2506. Revenue and certain expense projections reviewed.

2507 Budget controls.

2508. Adoption of budget.

2509. Levy of taxes.

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2512. Certain resolutions of county Legislature subject to county executive veto.

2513. Certain obligations and payments prohibited.

2514. Erie county budget act repealed.

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2515. Limitation on county real estate taxes.

2516. Imposition and increases in other county taxes and fees.

2517. Audit committee.

2518. The Citizens' Budget Review Commission.

Section 2501. Fiscal year. The fiscal year of the county shall begin with the first day of January and end with the last day of December in each year.

Section 2502. Preparation of proposed tentative operation and maintenance budget.

- a. Submission of estimates and appropriation requests. On or before the fifteenth day of August in each year, or such earlier date as the budget director may prescribe, the head of each administrative unit authorized agency shall furnish to the budget director an estimate of revenues and expenditures for the respective administrative unit or authorized agency for the next ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and the character and object of expenditures, which may be subclassified by functions and activities. Estimates shall be submitted in such form and shall contain such additional information as the budget director shall prescribe; provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. All information used in creating revenue estimates shall be submitted to the comptroller by the 1st day of October in each fiscal year.
- b. Periodically, the specific format of the budget and its required contents shall be submitted to the legislature for review and comment. Such submission shall be made at least once in any two year period.
- c. There shall be made available for publication listing of all activity and program-related evaluations performed in the previous two years with guidance indicating the manner in which the public can gain access to the full text of such studies.
- d. All capital budget items shall include justifications based on return on investment, leverage of other revenue sources, payback period, impact on credit rating, relative value in reducing operating or capital costs, or other such appropriate measures typically utilized to justify and prioritize such expenditures.
- e. The budget director annually, not less than twenty days prior to the date fixed pursuant to paragraph a. of this section, shall notify in writing the head of each administrative unit, and of each authorized agency receiving county funds pursuant to contract or otherwise

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during the current fiscal year, of (1) the date fixed pursuant to said paragraph a. and (2) the form and information to be contained in such estimate and request.

- f. In the event that the head of any administrative unit fails to submit an estimate by the date specified, the budget director shall forthwith prepare such estimate.
- g. The budget director, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation and conduct such hearings thereon as are deemed necessary. The budget director may require the head of each administrative unit or any officer or employee thereof and any authorized agency requesting county funds to furnish data and information and answer inquiries pertinent to such review or investigation. All information used in creating revenue estimates shall be shared with the comptroller.
- h. Upon the completion of the review and investigation of the estimates and requests from the various administrative units and authorized agencies, the budget director shall prepare and submit to the county executive a proposed tentative operation and maintenance budget setting forth the budget director's estimate of expenditures and revenues of the county for the next ensuing fiscal year showing a comparison with (1) the corresponding actual expenditures and revenues in the last completed fiscal year, (2) the corresponding budget items of expenditure and revenue for the current fiscal year adjusted for transfers and changes in appropriations, if any, and (3) the estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies.

Added by Local Law No. 3-2006.

Section 2503. Tentative budget and capital program by county executive. On or before the 15th day of October of each year the county executive shall submit to the county legislature a tentative budget for the ensuing fiscal year, a financial forecast for the two (2) subsequent years, a capital program for the next six (6) fiscal years, and an accompanying message.

- Intent. It is essential that the proposed and adopted budgets be presented in a form which is both usable and understandable by the citizens of the County. In furtherance of this public goal, the tentative budget and capital program presented under this section, and any appropriations acts and amendments made pursuant thereto, shall contain the following information;
 - 1. Transparency: The entire budget document, both tentative and adopted, shall be prepared in a manner and with language that can be easily understood by the citizens of Erie County. Such document shall also be placed on the Internet to provide easy access by the public.
 - 2. Programmatic Budget. The entire budget document both tentative and adopted shall contain a separate statement organized by department or office of the individual programs conducted or supported or functions carried out by each such department or office. Such statement shall set forth, for each individual program, the major goals and objectives, a

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description of the need for the program, including whether mandated or discretionary, and specific outcomes related to proposed and approved expenditures for each program or function. The statement shall also include a description of the alternatives to each such program or function which were considered prior to the formulation of the submitted proposal and a detailing of the activities to be carried out, services to be supplied to the citizens of Erie County, and the functions to be performed by the individual program or function.

3. Quantification: Program measures and performance standards to be used in monitoring and evaluating the delivery of services, including the specification of appropriate evaluation cycles and milestones, and a description of the manner in which the citizens of the County will be able to obtain access to the results of such monitoring and evaluations.
4. Cost Accounting, with unit cost information: The entire budget document, both tentative and proposed shall include a clear and detailed description of the expenses to be incurred by each such individual program and function, including the cost of all county facilities to be utilized, so that a true cost accounting of the program will be obtained in order to facilitate unit cost assessment of the program in terms of units of service provided. In addition, the document shall include a clear and detailed presentation of the proposed sources of funding for such programs or functions, including the amounts to be funded directly by county appropriations, other governmental grants, reimbursements or contributions, and revenues raised directly as a result of program activity.

Amended by Local Law No. 3-2006.

Section 2504. Preparation of proposed tentative capital budget and program.

- a. Submission of capital project requests. On or before the fifteenth day of July, or such earlier date as the budget director may prescribe, the head of each administrative unit, including independently elected officials, shall furnish to the budget director and to the commissioner of environment a planning a description, justification and estimate for each physical public improvement of works, hereinafter called capital project, which is proposed for development during one or more of the ensuing six fiscal years. Each capital project request shall show: recommended priority; development; time schedule; estimated costs for planning, site of right of way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; possible sources of financial aid; recommended expenditures by years; and such other information as the budget director and commissioner of environment and planning may deem advisable.
- b. Capital projects committee. To assist in the consideration of capital projects and the capital program, there shall be a capital projects committee consisting of the county executive, the comptroller, the budget director, the commissioner of the department of environment and planning, the county attorney and such other administrative heads as the county executive may designate, and the following members of the county legislature; the chair, the chair of the finance and management committee, and the majority and minority

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leaders. The county executive shall be solely responsible for the capital program and budget as submitted to the county legislature and no members of the latter body shall be obliged to support any project by reason of membership on the capital projects committee. The county executive shall be the chair and the budget director shall be the vice chair of this committee.

- c. Upon receiving a capital project request, the commissioner of environment and planning shall study the same with special references to comprehensive plans for the county and for any affected municipality therein.

The commissioner of environment and planning shall promptly forward any such comments and recommendations regarding the proposed project to the budget director who shall submit the same, together with his or her own comments and recommendations to the capital projects committee and the development coordination board. The capital projects committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between April fifteen and August fifteen at least twice, and as more often as may be required at the call of the chairman or vice chairman.

- d. The development coordination board shall make such recommendations to the county executive in regard to the scope of the capital program, the relative priorities of proposed projects and suggested means of financing as its membership may determine. At the request of the county executive, joint meetings of the capital projects committee and the development coordination board shall be held.
- e. The budget director and deputy commissioner of environment and planning shall assist the development coordination board by presenting and explaining all capital project requests and shall furnish all relevant exhibits and information. The department of environment and planning shall also assist in the preparation of the capital improvement program report and all related information.
- f. Proposed capital program. On or before the fifteenth day of August, the budget director, after receiving the advice of the capital projects committee, shall prepare and submit to the county executive a proposed capital program for the next six fiscal years, showing the purpose and amount of recommended capital expenditures by years, the suggested methods of financing, and the estimated effect of such program on future budgets with respect to operating, maintenance, debt service and other costs.
- g. Proposed tentative capital budget. The first year of the proposed capital program, covering the next ensuing fiscal year, shall be incorporated by the budget director in a proposed tentative capital budget for such year. Such capital budget shall indicate debt service charges of previous projects, proposed down payments and other expenditures for new projects, and the recommended sources of all proposed capital financing including, but not limited to, capital reserve fund, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances. The proposed tentative capital budget shall not contain any capital debt for the purpose of paying salaries, utilities, supplies or other recurring operating expenses, unless authorized under New York State Law.

Added by Local Law No. 3-2006.

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Section 2505. Fund balance.

- a. In presenting the tentative budget, the county executive shall report on the amount of the balance contained in the General Fund including non-spendable, restricted, committed, assigned or unrestricted funds. Such report for each fund shall be current as of the County's last audited financial statements.
- b. The county shall maintain an unassigned balance in the General Fund equal to or greater than five percent of the amount contained in the adopted budget of the General Fund of the County's last audited financial statements. For purposes of this section, the total General Fund calculation shall not include sales and compensating use tax revenues shared with local governments and school districts. Fund balance may be included as revenue in an approved budget of the General Fund provided that there shall remain an unassigned balance of at least five percent as provided in the first sentence of this paragraph.
- c. If the proposed county budget appropriates unassigned fund balance in the General Fund reducing the unassigned General Fund fund balance below five percent as described in subsection (b), the county executive shall present a separate resolution to the county Legislature parallel with the proposed county budget requesting approval of the appropriation. The county may only approve unassigned General Fund fund balance below the five percent level upon a majority vote of the county legislature. A budget that is approved without a vote of the county legislature shall not appropriate any fund balance revenue in the General Fund in excess of the amount provided in this subsection. The county executive's tentative budget shall indicate equivalent deletions in the tentative budget that shall be executed if the use of fund balance permitted by this paragraph is not approved by the county legislature.
- d. Following approval of the annual budget, no additional unassigned General Fund fund balance shall be appropriated as revenue during the fiscal year without the affirmative vote of at least two-thirds of the total membership of the county legislature.

Added by Local Law No. 3-2006.

Section 2506. Revenue and certain expense projections reviewed.

On or before the 1st day of October the county executive shall submit to the comptroller all revenue estimates and expenditure estimates for Medicaid, public assistance, and pension contributions and health care insurance costs for county employees to be used in the proposed budget. The comptroller shall review all revenue estimates and expenditure estimates for Medicaid, public assistance and pension contributions and health care insurance costs for county employees to be used in the proposed tentative budget prepared by the county executive and submit to the legislature in writing by the 15th of October a report indicating whether or not such estimates are suitable estimates for the upcoming fiscal year. Should the comptroller determine that any such revenue or expenditure estimate is not suitable for the upcoming fiscal year, the Legislature, upon notice from the comptroller may revise any such revenue estimate downward

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upon a two-thirds majority vote and may revise any such expenditure estimate upward by a majority vote. The legislature shall not revise any such revenue estimate upward.

Added by Local Law No. 3-2006.

Section 2507. Budget controls.

- a. No county officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. If one or more of the independently elected officials (clerk, comptroller, district attorney, sheriff) becomes aware of a deficit or impending deficit in his or her department, he or she shall notify the legislature immediately so that, subject to section 2510 of this charter, remedial action can be taken. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two thirds vote of the county legislature. Any contract, verbal or written, made in violation of this section shall be null and void.
- b. The county executive shall maintain control at all times over the expenditures of every department or other administrative unit, officer, employee and financial activity of the county, except for the departments overseen by the independently elected officials (clerk, comptroller, district attorney and sheriff) who shall have the power to manage their departments within the parameters of the adopted budget. For such purpose, the county executive may, among other things, prescribe quotas and allotments, and no department or other administrative unit, officer, employee or financial activity of the county, except for the independently elected officials (clerk, comptroller, district attorney and sheriff), shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed. The county executive may request that the legislature impose quotas, allotments or other cost control measures on the independently elected officials (clerk, comptroller, district attorney and sheriff) if the need arises. The legislature shall by resolution impose quotas, allotments or other cost control measures with a simple majority vote.

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Added by Local Law No. 3-2006.

Section 2508. Adoption of budget.

- A. The county legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The county legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the budget committee to the county legislature concerning amendments to the county executive's tentative budget shall be presented to the legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section.

Budget amendments proposed subsequent to the tabling of the budget committee report, or less than forty eight hours prior to the annual meeting, shall be considered separately with each line item voted on individually on the floor of the legislature.

- B. If the budget is passed by the county legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the county executive; if, however, the budget as passed by the county legislature contains any such additions or increases, the same shall be presented by the clerk of the legislature to the county executive not later than the Wednesday following the first Tuesday in December, for his or her consideration of such additions or increases. If the county executive approves all additions and increases, he or she shall affix his or her signature to a statement thereof and return the budget and such statement to the clerk of the legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.
- C. The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he or she objects with the reasons for his or her objections, and shall return the budget with his or her objections to the clerk of the county legislature who shall present the same to the county Legislature on or before the Monday preceding the second Tuesday in December. The county legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the county legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the county executive, shall be deemed adopted.

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- D. If a budget with additions or increases is not returned by the county executive to the clerk of the legislature with his or her objections on or before the Monday preceding the second Tuesday in December, it shall be deemed adopted.
- E. If a budget has not been adopted, as herein provided, on or before the second Tuesday of December in each year, then the tentative budget as submitted by the county executive, plus all additions and increases to which he or she has failed to object, shall be the budget for the ensuing fiscal year.
- F. Four copies of the budget as adopted shall be certified by the county executive and by the clerk of the county legislature. One such copy shall be filed in the office of the county executive, and one each in the offices of the county comptroller, the commissioner of finance and the clerk of the county legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Amended by Local Law No. 3-2006.

Section 2509. Levy of taxes; inclusion of reserve for uncollected taxes; county tax act continued. The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the county legislature on the taxable real property of the several tax districts of the county. The tax levy for state and county purposes shall include, in addition to the amount of state taxes to be raised and the net county tax requirement as above determined, an amount to be known as "reserve for uncollected taxes" which shall be a county charge. Except as otherwise provided in this charter, the Erie county tax act, being chapter eight hundred twelve of the laws of nineteen hundred forty two as amended, shall remain in full force and effect.

Amended by Local Law No. 3-2006.

Section 2510. Appropriations; supplemental and emergency.

Supplemental appropriations. If during any fiscal year there are available revenues not anticipated in the budget for that year, the county executive may make supplemental appropriations, subject to legislative approval, for that year, up to the amount of such additional revenues.

Emergency Appropriations. To meet a public emergency affecting life, health or property, the county legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the county legislature may authorize the issuance of budget notes or notes in anticipation of the collection of taxes or revenues.

Amended by Local Law No. 3-2006.

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Section 2511. Appropriations; reductions and transfer after budget adoption.

Intent: it is determined that the maintenance of a balanced budget throughout the county's fiscal year is critical to the fiscal integrity of the county and is thus an important public objective. To this end, the county executive shall recommend to the legislature budgetary adjustments as are necessary to maintain a balanced budget on an ongoing basis.

If at any time during the fiscal year it appears, from cash flow projections or other generally accepted accounting principles, that the revenues available, as projected through the end of the fiscal year, will be insufficient to meet either (a) the amounts appropriated, or (b) expenses anticipated to be incurred through the end of the fiscal year, such that the cumulative effect thereof is a projected year-end deficit in excess of fifty percent of the county's undesignated, unreserved fund balance as of the end of the immediately preceding fiscal year, the county executive or the comptroller shall submit a report to the legislature setting forth the estimated amount of the deficit with appropriate details and explanations. Within seven days of the submission of such a report to the legislature, the county executive shall present a written proposal of actual remedies to overcome the deficit. The comptroller shall provide the legislature with written comments on the county executive's proposed actions within seven days of the submission of the remedial proposal to the legislature. The legislature shall take under consideration the proposed remedial actions and comments presented by the comptroller and take such action as it deems necessary to prevent or minimize the deficit. Should the legislature fail to act within twenty-one days of presentation of the written proposal of remedial actions by the county executive, the county executive's proposal shall be deemed adopted. In the event the deficit is declared and remedial actions are taken by the county executive and/ or the legislature, no appropriation for debt service may be reduced and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required to be appropriated.

The county executive may at any time during the fiscal year transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the county legislature shall be required if the proposed transfer (1) would result in an increase exceeding ten thousand dollars (\$10,000), or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total. If the county executive requests in writing, the county legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated. On or before the 15th day of the following month the county executive shall provide the legislature a monthly report of all transfers made pursuant to this section.

Amended by Local Law No. 3-2006.

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Section 2512. Certain resolutions of county legislature subject to executive veto. A resolution of the county legislature for any of the following specified purposes shall be submitted to the county executive for his or her approval or veto in the same manner as provided in this charter for the adoption of ordinances: (a) an allocation from the budget contingency fund; (b) a supplemental or emergency appropriation; (c) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues; and (d) the issuance of bonds, anticipation notes or capital notes.

Amended by Local Law No. 3-2006.

Section 2513. Certain obligations and payments prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local financed law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

Amended by Local Law No. 3-2006.

Section 2514. Erie county budget act repealed. the Erie county budget act, being chapter three hundred eighty three of the laws of nineteen hundred forty four as amended, is hereby repealed as of January first, nineteen hundred sixty one.

Amended by Local Law No. 3-2006.

Section 2515. Limitation on county real estate taxes. Hereafter, the amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to one per centum of the average full valuation of all of taxable real estate within the county, less the amount to be raised by tax on real estate in such year for the payment of the interest on and redemption of certificates or other evidence of indebtedness described in paragraphs A & D of section five of article eight of the constitution of the state of New York.

The average full valuation of taxable real estate shall be determined pursuant to section ten of article eight of the constitution of the state of New York.

Section 2516. Imposition and increases in the other county taxes and fees. Hereafter, no new form of county tax maybe imposed, and the county of Erie's three per centum sales and use tax and fees or charges established by the county legislature shall not be increased except by a resolution approved by: (a) the affirmative vote of two thirds of the whole number of the membership of the county legislature, or, (b) the affirmative vote of a majority of the whole number of the membership of the county legislature submitting a proposition for such imposition or increase to a mandatory referendum to be held pursuant to article three of the county law.

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Section 2517. Audit committee

- A. There is hereby created and established an audit committee for the county of Erie consisting of the following five members appointed for the following terms:
- a. One majority member of the county legislature to be appointed annually by the majority members of the Legislature.
 - b. One minority member of the county legislature to be appointed annually by the minority members of the Legislature.
 - c. The county legislature shall consider at least three qualified candidates which have been recommended by the Erie county bar association and shall initially appoint one of these nominees for a one year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.
 - d. The county legislature shall consider at least three qualified candidates which have been recommended by the western New York chapter of the New York state association of certified public accountants and shall initially appoint one of these nominees for a two year term. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.
 - e. The county legislature shall consider at least three qualified candidates which have been recommended by the commercial bank located within Erie County and shall initially appoint one of these nominees for a three year term. Should fewer than three such candidates be recommended by commercial banks, the legislature may add a resident of Erie County who has demonstrable expertise in commercial banking industry to the list of nominees. Thereafter, and at the expiration of the term of the initial appointee, the appointment shall be made for a term of three years.
 - f. With the exception of the legislative members, no appointee may serve for more than two consecutive terms. Each appointee may be removed only for cause by the respective appointing authorities. Vacancies shall be filled by members appointed by whomever make the initial appointment. A member appointed to fill a vacancy shall serve for the duration of the expired term.
- B. The members of the audit committee shall annually elect their own officers. Members of the county legislature shall not be eligible to hold such offices. The audit committee shall meet at least four times a year and shall maintain recorded minutes of all of its meetings.
- C. The audit committee shall be responsible for issuing requests for proposals from certified public accounting firms for the preparation of an annual audit report and accompanying management letter for the county of Erie and an annual report and accompanying management letter for the Erie community college. The audit committee may issue a request for proposal (RFP) to have the same certified public accounting firm contract with the county of Erie for two or all four of the aforementioned audit reports and management letters, or it may issue a separate RFP for each of the four aforementioned audit reports and accompanying management letters. Any request for proposal issued by the audit committee shall be in writing and shall be widely distributed among certified

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public accounting firms. Such requests for proposals shall contain all pertinent information concerning each proposed audit report and management letter contract, including the date upon which the contract is to commence, a description of the work to be performed, any particular or unique specifications required, the fiscal year(s) for which the audit reports and the management letter(s) are to be prepared and the date(s) by which the audit report(s) and accompanying management letters shall be completed and formally submitted to the county legislature and county executive.

The audit committee shall review and evaluate the responses to each RFP it issues and it shall prepare in writing a comparison of all certified public accounting firms which responded showing (a) what special skill or service will be provided; (b) the qualifications of the firm; (c) the expertise of the firm; and (d) the total estimated cost, or rate for providing services. The audit committee shall prepare a written report on the results of each RFP it issues. Such report shall be submitted to the clerk of the county legislature at least three months prior to the commencement of the proposed annual audit and management letter contract and it shall contain the results of the audit committee's evaluation of all responses to the RFP, as well as the name of the certified public accounting firm which it is recommending to perform the proposed audit report and management letter contract.

The audit committee shall be responsible for meeting with the certified public accounting firm(s) which are awarded audit and management letter contract(s) for the county of Erie and the Erie community college to discuss in detail the scope of such contracts and all matters related to them.

Within forty-five days of the publication of a finalized audit report and accompanying management letter, the audit committee shall submit to the county executive and the county legislature a written report containing its findings, comments and recommendations with respect to each such report.

The audit committee shall be responsible for monitoring the implementation of the recommendations which are contained in the management letters that are issued for the county of Erie and the Erie community college.

Amended by Local Law No. 3-2006.

Section 2518(a). The Citizens' Budget Review Commission.

The citizens' budget review Commission shall be established to assist and advise the Erie county legislature in the oversight of the county's budget and to monitor county finances, ensure the long-term fiscal stability of Erie county, prevent the concealment of county deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems. Upon the adoption of this Local Law the Erie County Legislature hereby creates a

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Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.

Amended by Local Law No. 2-2012.

Section 2518 (b). Commission Purview and Reporting.

The citizens' budget review commission shall study the fiscal operations of the county of Erie in their full scope. The Commission shall provide regular reports to the Legislature at the conclusion of each fiscal quarter, and shall submit an annual report, which shall include its findings, conclusions, and recommendations for appropriate budgetary action to the county Legislature. The Commission shall file its annual report with the Erie county Legislature annually on or before October 15.

Amended by Local Law No. 2-2012.

Section 2518 (c). Membership; Terms; Vacancies.

The citizens' budget review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie county. Except for the Commission member appointed by the county executive, the Legislature shall appoint, or confirm the recommendation for appointment, of the various Commission members as listed below:

- a. One (1) member shall be recommended and appointed by the Erie county executive.
- b. One (1) member shall be recommended annually by the chair of the Erie county Legislature and confirmed by the Legislature.
- c. One (1) member shall be recommended annually by the majority leader on behalf of the majority members of the Erie county Legislature and confirmed by the Legislature.
- d. One (1) member shall be recommended annually by the minority leader on behalf of the minority members of the Erie county Legislature and confirmed by the Legislature.
- e. One (1) member shall be appointed who has professional experience as a certified public accountant.
- f. One (1) member shall be appointed who has professional experience in the banking and finance industry.
- g. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance.
- h. One (1) member shall be appointed who has professional experience with organized labor.
- i. One (1) member shall be appointed from the Erie County business community.
- j. Two (2) members shall be appointed by the Erie county Legislature based upon recommendations from the public and shall be construed to represent a cross section of the county's diverse population and have a depth of appropriate experience and expertise.
- k. The comptroller of the county of Erie or his or her representative shall be an ex-officio, non-voting member of the Commission.
- l. The director of budget and management or his or her representative shall be an ex-officio, non-voting member of the Commission.
- m. The Erie county attorney or his or her representative shall be an ex-officio,

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nonvoting member of the Commission. With the exception of ex-officio members of the Commission, no member of the Commission shall hold public office, political office, be an employee of the county, nor be a member of another county board or commission during the term of his/her appointment to the citizens' budget review Commission of Erie county.

The term of office for all members of the Commission, with the exception of ex-officio members, shall be one (1) year. Such appointments may be renewed annually for up to five (5) years. Any vacancy resulting from a cause other than the expiration of a term shall be filled only for the unexpired portion of the term.

Members shall serve without compensation. Staff support shall be provided by the staff of the Erie county Legislature under the direction of the clerk of the Erie county Legislature. Additional technical or professional services support and assistance may be provided without compensation by volunteers and/or firms or organizations with appropriate expertise and knowledge. Only through and after a majority vote of the Commission's voting membership may such volunteers or organizations assist the Commission.

Amended by Local Law No. 2-2012.

Section 2518(d). Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chair for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice-chair, who shall serve as chairperson in the chairperson's absence. Finally, the Commission shall elect from its membership (excluding ex-officio members), a secretary, who shall serve to record the minutes of the Commission's proceedings.

Amended by Local Law No. 2-2012.

Section 2518 (e). Meetings.

The Commission shall hold quarterly public meetings to review the county's finances, including year-to-date and year-end projections for the county budget. In addition to these quarterly public meetings, the citizens' budget review Commission shall meet as needed to carry out its mission as established in this local law, as well as to carry out guidelines and work assignments subsequently requested by the Erie county Legislature. All meetings of the Commission shall be subject to the open meetings law. However, nothing herein shall be construed to limit the ability of the Commission from meeting in executive session. Meetings shall be held on such days and at such hours so as to encourage the maximum amount of public awareness and shall be announced to the public through the media. Minutes of the proceedings and records of the Commission shall be clocked-in to the Erie county Legislature and are to be made available to the public for inspection during regular business hours.

Amended by Local Law No. 2-2012.

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Section 2518 (f). Powers of the Commission and Information Available to Commission.

The Commission shall have the power to make such studies and investigations into the county's budget and finances as it deems to be in the best interest of the county. In connection therewith, the Commission shall have the power to obtain technical information, including monthly budget reports, relating to the county's budget and finances from the comptroller of the county, the county executive, and his or her appointed director of budget and management, as well as to request witnesses and the production of books, papers and other evidence, deemed necessary or material to the study or inquiry of the county's finances. In addition to any other information requested by the Commission, the Director of Budget and Management shall submit to the Commission monthly budget reports. Such reports shall be due on or before the last calendar day of the subsequent calendar month, and shall include a detailed report of budgeted or projected revenues and expenditures with actual and accrued revenues and expenditures, a comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures, and a year-end forecast showing projected gains and losses for the year, including the use of fund balance.

Amended by Local Law No. 2-2012.

Section 2518 (g). Failure to Provide Timely Information.

Should the county executive, his or her appointed director of budget and management, or anyone fail to provide information including but not limited to the budget reports requested in subsection(f) above, the chair of the Commission shall notify the clerk of the Erie county Legislature and the chair of the Erie county Legislature, in writing, and the Chair of the Legislature shall compel that such information be provided to the Commission by exercising the powers available to the Legislature, in particular those powers to subpoena and require the production of evidence as outlined in article 2, section 202, paragraph h of Local Law No.1-1959, as amended, constituting the Erie County Charter.

Added by Local Law No. 2-2005.

Amended by Local Law No. 3-2006.

Amended by Local Law No. 2-2012.

Article 25 was formerly numbered article 26, which was formerly numbered Article XVIII.

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Article 26 - General Provisions - Charter

Section 2601. Administrative unit defined; administrative and advisory boards.

2602. Approval of contracts.

2603. Civil service rights continued; status of certain county officers previously appointed; removal of certain officers hereafter appointed.

2604. Filling vacancy in elective office of county executive or comptroller.

2605. Filling vacancy in elective office of county legislator.

2606. Filling vacancy in elective office of county clerk, district attorney or sheriff.

2607. Power to administer oaths and issue subpoenas.

2608. Charter revision commission.

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 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 boards shall consist of such numbers 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

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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 a 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.

Section 2602. Approval of contracts. Except as otherwise provided in this charter, or the administrative code, any contract to which the county is a party shall require approval by the county legislature, if said contract is for: (a) the sale or purchase of real property; (b) the erection, alteration or demolition of a building or other structure; (c) professional, technical or other consultant services; or (d) the provision of facilities or the rendering of services by or for any other unit of government. Contracts for professional, technical or other consultant services under this section shall be subject to the informal requirements as provided in the administrative code.

The county executive shall execute all contracts on behalf of the county, except as otherwise provided in the administrative code.

Amended by Local Law No. 6 1983.

Section 2603. Civil service rights continued; status of certain county officers previously appointed; removal of certain county officers hereafter appointed. The civil service status and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this charter. The terms of all county officers whose appointment under this charter is vested in the county executive shall terminate with December thirty first, nineteen hundred sixty; provided that any such officer, unless removed, shall continue to serve until his or her successor is appointed and has qualified or until an interim appointment is made. Provided, further, that the term of the appointive comptroller shall terminate with December thirty first, nineteen hundred sixty one. Any county officer appointed by the county executive for the term or balance thereof of such executive may be removed, prior to the end of such term, after written notice from the county executive. Upon written request, such county officer shall be given an opportunity to be heard by a board of review consisting of (1) the county executive, (2) the chairman of the county legislature, and (3)

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the comptroller. Upon such hearing, removal shall be effected only by a two-thirds vote of such board of review.

Section 2604. Filling vacancy in elective office of county executive or comptroller. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same political affiliation as the person last elected to such office. A vacancy occurring in such office as the result of the removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any.
Added by Local Law 14 1973.

Section 2605. Filling vacancy in elective office of county legislator. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county legislator, shall be filled by appointment by a majority vote of the members of the county legislature of the party with which the person last elected to such office identified for the purpose of selecting a majority and minority leader. A vacancy shall be included in the total count of which there is to be a majority vote. However, when the number of vacancies is such that there are not enough incumbents remaining in the party having the vacancies to total a majority of the number of members of the party as it existed before the vacancies occurred, then the vacancy or vacancies shall be filled by an unanimous vote of the remaining members of said party. The person newly appointed shall be a qualified elector of the county having the same political affiliation as the person last elected to such office, shall be a resident of the district to which such appointment is made, and shall be eligible under section 202.1 of the Erie county charter. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county legislator shall be elected for the balance of the term, if any.

Amended by Local Law No. 1 1980.
Added by Local Law No. 14 1973.

Section 2606. Filling vacancy in elective office of county clerk, district attorney or sheriff. A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county clerk, district attorney or sheriff shall be filled by appointment, by the county legislature, of a qualified elector of the county having the same political affiliation as the person

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last elected to such office. A vacancy occurring in such office as the result of removal of the incumbent by the governor shall be filled by appointment, by the governor, of a qualified elector of the county having the same political affiliation as the person last elected to such office. The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county clerk, district attorney or sheriff, as the case may be, shall be elected for the balance of the term, if any.

Section 2607. Power to administer oaths and issue subpoenas. The chairman of the county legislature, the county executive, the county comptroller, and such other county officers as may be authorized by law shall have the power to subpoena and compel the attendance of witnesses and the production of books and papers, as the same may be pertinent to their respective offices. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations in connection therewith.

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.

Section 2608 (formerly Section 1907) amended by Local Law No. 3-2006.

Section 1907 Amended by Local Law No. 10-2005.

New section 1907 Added by Local Law No. 4-2005.

Former section 1907 **REPEALED** by Local Law No. 4-2005.

Former section 1907 Added by Local Law No. 1-1981.

Former section 1907 **REPEALED** by Local Law No. 1-1981.

Former section 1907 Added by Local Law No. 13-1974.

Article 26 was formerly numbered article 27, which was formerly numbered Article XIX.

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Article 27 - Application of Charter; When and How Operative and Effective - Charter

- Section 2701. Adoption of charter; when effective.
2702. Amendment of charter.
2703. Terms of certain elective county officers.
2704. Continuity of authority; completion of unfinished business.
2705. Separability.
2706. Charter to be liberally construed.

Section 2701. Adoption of charter; when effective. This charter shall be effective immediately upon approval by referendum in the manner provided by law. The administrative code may be adopted by local law at any time thereafter. The first county executive shall be elected at the general election in nineteen hundred sixty and shall take office on January first, nineteen hundred sixty one. The county comptroller shall be first elected at the general election in nineteen hundred sixty one and the person then elected shall, upon qualifying, take office on January first, nineteen hundred sixty two. Pending such election and qualifying for office, the incumbent county comptroller shall have the powers and perform the duties prescribed in this charter for the elective office of county comptroller.

Section 2702. Amendment of charter. This charter may be amended in the manner provided by law. Any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective, or change the powers of an elective county officer, or change the term of office for county legislators shall be subject to mandatory referendum. No local law which would abolish or change an administrative unit prescribed in this charter or the power of an appointive county officer in the executive branch may be passed before January first, nineteen hundred sixty one. Amended by Local Law No. 2 1978.

Section 2703. Terms of certain elective county officers. The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four years, and the election of any such officer shall be in an odd numbered year. Provided that any such officer elected in nineteen hundred sixty or nineteen hundred sixty two shall be elected for three years;

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and provided, further, that an interim election to fill the remainder of an unexpired term may be held in any year.

Section 2704. Continuity of authority; completion of unfinished business. The performance of functions pursuant to the provisions of this charter shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefor under this charter or the administrative code.

Section 2705. Separability. If any clause, sentence, paragraph, section or article of this charter shall be adjudged by any court of competent jurisdiction to be invalid, such jurisdiction 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 2706. Charter to be liberally construed. This charter shall be liberally construed to effectuate its objectives and purposes.

Article 27 was formerly numbered article 28, which was formerly numbered Article XX.

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Article 28 - Sunset Provision - Charter

Section 2801. All departments and units of the county of Erie listed herein, except those required by law other than the Erie county charter, shall cease three years from this law's filing with the secretary of state, and every three years thereafter, unless the county legislature, and county executive, by affirmative action, through budget adoption or otherwise, extend and continue said departments and units.

Added by Local Law No. 5 1981.

Article 28 was formerly numbered article 29, which was formerly numbered Article XXI.

Charter generally amended by Local Law No. 1-1967

Effective March 28, 1967 to substitute words "county legislature" for "board of supervisors.

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Article 29 - Renumbered Articles - Charter

Pursuant to Local Law No. 3-2006, the Clerk of the Erie County Legislature, with the approval of the County Attorney, has renumbered certain Articles of the Erie County Charter, as follows:

Previous Article No.:	Current Article No.:	Title:
I	1	Erie County and its Government
II	2	Legislative Branch
III	3	Executive Branch
IV	4	Department of Finance
V	5	Department of Health
VI	6	Department of Law
--	7	Department of Labor Relations
VII	8	Department of Parks, Recreation and Forestry
VIII	9	Department of Personnel
IX	10	Department of Environment and Planning
X	11	Department of Public Works
XI	12	Department of Social Welfare

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XI-A	(repealed)	Department of Public Safety
XI-B	13	Department of Mental Health
XI-C	14	Department of Emergency Services
XI-D	15	Department of Central Police Services
XI-E	16	Department of Senior Services
XI-F	(repealed)	Department of Youth Services
XI-F	17	Office of Public Advocacy (previously Office for the Disabled, repealed)
XII	18	Comptroller
XIII	19	County Clerk
XIV	20	District Attorney
XV	21	Sheriff
XVI	22	Other County Boards, Offices, Institutions and Functions
XVI-A	22-A	Erie County Environmental Management Council
XVI-B	(repealed)	Erie County Consumer Protection Committee
XVI-C	(repealed)	Erie County Citizens Committee on Rape and Sexual Assault

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XVI-D	(repealed)	Art and Culture in Public Places Board
XVI-E	22-B	Citizens Salary Review Commission
XVI-E	(repealed)	Erie County Commission on the Status of Women
XVI-F	22-C	Erie County Community Coordinating Council on Children and Families
--	23	Autonomous Institutions
XVII	24	Service Relationships with Local Municipalities
XVII-A	(repealed)	Narcotics Control
XVIII	25	Financial Procedures
XIX	26	General Provisions
XX	27	Application of Charter; When and How Operative and Effective
XXI	28	Sunset Provision
--	29	Renumbered Articles
--	30	Repealed Articles

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Article 30 - Repealed Articles - Charter

Article XI-A, Department of Public Safety, **REPEALED** in its entirety by Local Law No. 2-1972.

Amended by Local Law No. 1-1964

1964 Local Laws of Cities, Counties, Towns and Villages.

Article XI-F*, Office for the Disabled, **REPEALED** by Local Law No. 3-2006.

Article XI-F, Office for the Disabled, added by Local Law No. 4-1983.

* See also, Article XVII, formerly numbered Article XI-F, Department of Youth Services, added by Local Law No. 3-1983.

Article XI-F, NEW Article 17, Department of Youth Services, **REPEALED** by Local Law No. 3-2009. Added by Local Law No. 3-1983.

Article XVI, NEW Section 1602, Erie county medical center; board of managers; chief executive officer; treasurer, **REPEALED** by Local Law No. 3-2006.

NEW section 1602 Added by Local Law No. 9-1988.

Former section 1602 **REPEALED** by Local Law No. 9-1988.

NEW section 1602 Added by Local Law No. 2-1985.

Former section 1602 **REPEALED** by Local Law No. 2-1985.

Former section 1602 Amended by Local Law No. 9-1982.

Article XVI, Section 1603, County laboratory; director; advisory board **REPEALED** by Local Law No. 3-2006.

Amended by Local Law No. 5-1989.

Amended by Local Law No. 5-1984.

Amended by Local Law No. 9-1972.

Article XVI, Section 1604 **REPEALED** by Local Law No. 4-1967

1967 Local Laws of Cities, Counties, Towns and Villages.

Article XVI, Section 1611. Erie County Home Commissioner.*

REPEALED by Local Law No. 7-1995.

Added by Local Law No. 9-1989.

*See also, Section 1611, Support of Public Libraries, Added by Local Law No. 7-1992.

Article XVI, Section 1611. Support of public libraries.*

See Section 1612.

Added by Local Law No. 7-1992.

*See also, Section 1611, Erie County Home Commissioner.

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Article XVI, Section 1612, Support of public libraries, **REPEALED** by Local Law No. 3-2006.
Amended by Local Law No. 6-2004. (To expire on January 1, 2007)
Amended by Local Law No. 1-2003. (To expire on January 1, 2005)
Amended by Local Law No. 7-2001. (To expire on January 1, 2003)
Amended by Local Law No. 6-2000. (To expire on January 1, 2002)
Amended by Local Law No. 7-1999. (To expire on January 1, 2001)
Amended by Local Law No. 6-1996. (To expire on January 1, 1999)
Amended by Local Law No. 1-1995, as Section 1612. (To expire on December 31, 1996)
Added by Local Law No. 7-1992, as Section 1611.

Article XVI, Section 1613, Board of Trustees of Erie community college, additional powers, **REPEALED** by Local Law No. 3-2006.
Amended by Local Law No. 3-2003, as Section 1613

Article XVI-B, Erie County Consumer Protection Committee, **REPEALED** by Local Law No. 3-2006.
NEW article XVI B Added by Local Law No. 18 1974.
Former article XVI B **REPEALED** by Local Law No. 18 1974.
Former article XVI B Added by Local Law No. 20 1973.

NEW Article XVI-C, Erie County Citizens Committee on Rape and Sexual Assault, **REPEALED** by Local Law No. 3-2006.
NEW Article XVI C Added by Local Law No. 4 1977.
Former article XVI C **REPEALED** by Local Law No. 4 1977.

Article XVI-D, Art and Culture in Public Places Board, **REPEALED** by Local Law No. 3-2006.
Added by Local Law No. 1 1977.

Article XVI-E*, Erie County Commission on the Status of Women, **REPEALED** by Local Law No. 3-2006.
Added by Local Law No. 3 1987.
* See also article XXIII-B (formerly numbered XVI E), Citizen's Salary Review Commission, Added by Local Law No. 6 1986.

Article XVII-a, Narcotics Control, **REPEALED** by Local Law No. 3-2006.
Added by Local Law No. 1 1970
1970 Local Laws of Cities, Counties, Towns and Villages.

Article XVIII, Section 1806, Division of veterans services, **REPEALED** by Local Law No. 1-2008.

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Article XIX, Section 1904 **REPEALED** by Local Law No. 14 1973.
Former section 1904 Amended by Local Law No. 1 1967
1967 Local Laws of Cities, Counties, Towns and Villages.