

Local Law Filing

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

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

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

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAR 07 2005

MISCELLANEOUS
& STATE RECORDS

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

Local Law No. 2 of the year 2005.

A local law establishing and convening a commission to be known as
(Insert Title)
the Citizen's Budget Review Commission of Erie County.

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

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

as follows:

Section 1. AMENDING SECTION 305 OF THE ERIE COUNTY CHARTER.

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 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.

Section 2. CREATING NEW SECTION 1814 OF THE ERIE COUNTY CHARTER.

Section 1814 (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 Citizens' Budget Review Commission of Erie County to be established on or before March 15, 2005.

Section 1814 (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

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

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.

Section 1814 (c). Membership; Terms; Vacancies.

The Citizens' Budget Review Commission shall be composed of eleven (11) voting members, who shall be residents of Erie County. Such members shall be appointed by the Erie County Legislature upon recommendation from the following entities:

- 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. After receiving a list of at least three qualified candidates who have been recommended by the Western New York chapter of the New York State Association of Certified Public Accountants, the Legislature shall then appoint one individual from this list to the Commission.
- F. One (1) member shall be appointed who has professional experience in the banking and finance industry. After receiving a list of at least three qualified candidates who have been recommended by banking institutions and credit unions located within Erie County, the Legislature shall then appoint one individual from this list to the Commission.
- G. One (1) member shall be appointed who is an attorney-at-law, particularly with experience in local government law and/or finance. After receiving a list of at least three qualified candidates who have been recommended by the Bar Association of Erie County, the Legislature shall then appoint one individual from this list to the Commission.
- H. One (1) member shall be appointed who has professional experience with organized labor. After receiving a list of at least three qualified candidates who have been recommended by Buffalo AFL-CIO Central Labor Council, the Legislature shall then appoint one individual from this list to the Commission.
- I. One (1) member shall be appointed from the Erie County business community. After receiving a list of at least three qualified candidates who have been recommended by the Buffalo Niagara Partnership, the Legislature shall then appoint one individual from this list to the Commission.
- 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

(1-a)

cross-section of the County's diverse population and a depth of appropriate experience and expertise.

- K. The Comptroller of the County of Erie shall be an ex-officio, non-voting member of the Commission. Only the Comptroller, not a designee, shall be seated on the Commission.
- L. The Director of Budget and Management shall be an ex-officio, non-voting member of the Commission. Only the Director of Budget and Management, not a designee, shall be seated on the Commission.
- M. The Erie County Attorney shall be an ex-officio, non-voting member of the Commission. Only the Erie County Attorney, not a designee, shall be seated on 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.

Section 1814 (d). Officers.

The Commission shall elect, from its membership (excluding ex-officio members), its own chairperson for a term of one year. The Commission shall also elect from its membership (excluding ex-officio members), a vice-chairperson, 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.

Section 1814 (e). Meetings.

The Commission shall hold monthly public meetings to review the County's finances, including year-to-date and year-end projections for the County Budget. In addition to these monthly 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

(1-b)

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.

Section 1814 (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 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.

Section 1814 (g). Failure to Provide Timely Information.

Should the County Executive, his appointed Director of Budget and Management, or anyone fail to provide information including but not limited to the budget reports requested in sub-section (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.

Section 3. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

(1-c)

unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part this law or in its application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law, provided, however that the provisions of this local law shall expire and be deemed repealed on and after January 1, the year two thousand and seven.

(1-d)

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

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2005 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on Feb. 3 2005, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted on March 1, 2005 in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____2_____, above.


 Clerk of the County legislative body, City, Town or Village Clerk Kevin M. Kelley
~~XX~~

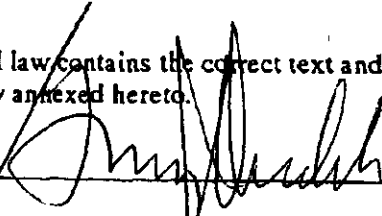
(Seal)

Date: 3-3-05

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

STATE OF NEW YORK
 COUNTY OF Erie

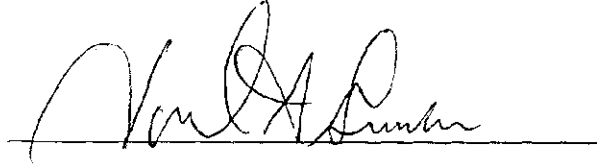
I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


 Signature
Gregory J. Dudek, Assistant County Attorney
 Title

County
~~XXXX~~ of Erie
~~XXXX~~
~~XXXXXX~~

Date: March 1, 2005

A Public Hearing was held on the foregoing Erie County Local Law Intro. No. 1-2005, Print No. 2, on Wednesday, February 23, 2005, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 1 day of MARCH, 2005



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

A Public Hearing was held on the foregoing Erie County Local Law Intro No. 1-2005, Print No. 2, on Wednesday, February 23, 2005, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of _____, 2005.
