

# 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**  
DEC 12 2003

MISCELLANEOUS  
& STATE RECORDS

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

Local Law No. 7 of the year 2003.

A local law amending Local Law No. 1-1960, constituting the Erie County Administrative Code, as amended, and Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to county operation of a central records management system and the power of the county executive to designate the county records management officer, by amending Section 3.08 of the Administrative Code and Section 302 of the County Charter.

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

County  
~~City~~ of Erie as follows:  
~~Town~~  
~~Village~~

**Section 1.** Section 3.08 of Article 3 of Local Law No. 1-1960, as amended by Local Law No. 3-1989, constituting the Erie County Administrative Code, is hereby further amended to read as follows:

Section 3.08 Division of information and support services. The division of information and support services shall be headed by the director of information and support services who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not in conflict with the county charter or this code. Such director shall be assisted by a director of data processing and by a deputy director of support services, and his powers and duties shall include the following:

a. The provision of micrographics, printing, copying, messenger and mailing services and the care and supervision of equipment in the division of information and support services related thereto, as well as the operation of such equipment including the preparation, processing, delivery and storage of data input into or output from such equipment where appropriate; and the performance of all functions, including advice and assistance, related to the operation, installation of or modification of such equipment in all participating county departments and agencies; and the training of personnel in participating departments and agencies for the purpose of using such equipment or properly preparing data for using such equipment;

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

b. The care and supervision of all vehicles and vehicle maintenance equipment in the division and the operation of a central motor pool for county employee use, as well as the collection of data on maintenance and operating costs of all county vehicles and the preparation and distribution of vehicle cost and utilization reports to participating departments and agencies;

c. The maintenance of records regarding total operating costs of the division of information and support and charging back such costs to participating departments and agencies. The division of central services shall have the authority to require county departments to provide necessary data in usable format to compile its reports and statistics.

d. The office of data processing shall be headed by the director of data processing who shall be a person qualified by professional training and by practical or administrative experience in the area of data processing, and who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not in conflict with the county charter or this code. Such powers and duties shall include the care and supervision of all computers and related electronic equipment in the office of data processing, the preparation of programs and data for input into such computers, the processing and storage of output from such equipment, the supply of such output information to participating county departments and agencies, and the coordination of all county-owned or county-operated computer installation. The office of data processing shall advise and assist all departments of the county in matters relating to the installation of new data processing applications and modifications of existing procedures; evaluate and coordinate data processing requirements for participating departments and agencies; assist in the conversion of raw data into machine-usable materials or perform such function itself; carry out all functions related to the operation of data processing equipment, and train personnel of participating departments and agencies in acquisition of data in a form suitable for processing.

e. The acquisition, replacement, operation, and informational input and output of any computers and related electronic equipment used by the department of central police services in connection with any criminal justice program shall be under the exclusive control of the commissioner of central police services, subject to contracting and purchasing regulations and procedures set forth in the charter and administrative code.

(1-a)

f. The county executive may enter into contracts with the federal government, state government and any municipal corporation to provide data processing service to any such municipality or governmental entity, subject to the approval of the legislature.

**Section 2.** Section 302 of Article III of Local Law No. 1-1959, as amended by Local Law No. 8-1988, constituting the Erie County Charter, is hereby further amended by adding a new subdivision (t) to read as follows:

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

t. Have authority to appoint, subject to confirmation by the county legislature, any county officer to be the county 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 preservation 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.

**Section 3.** If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

**Section 4.** The clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing local law to be published in the county's official newspapers.

**Section 5.** 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.

(1-b)

(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. 7 of 2003 of the (County)~~(City)(Town)(Village)~~ of Erie was duly passed by the Erie County Legislature on November 13 2003, and was (approved)(not approved)(repassed after ~~disapproval~~) by the Erie County Executive and was deemed duly adopted on December 2 2003, 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.)

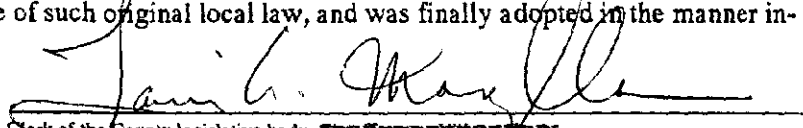
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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, or  
County designated by local legislative body

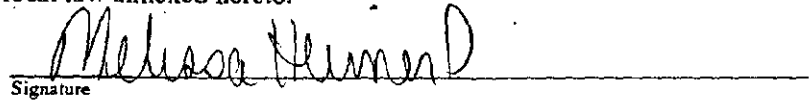
(Seal)

Date: December 11, 2003

(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

Assistant County Attorney  
Title

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

Date: December 11, 2003

A Public Hearing was held on the foregoing Local Law Intro. No. 13-2003 on Tuesday, December 2, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 2<sup>ND</sup> day of December, 2003.



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A Public Hearing was held on the foregoing Local Law Intro. No. 13-2003 on Tuesday, December 2, 2003, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_ day of December, 2003.

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