

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 22 2004

MISCELLANEOUS
& STATE RECORDS

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

Local Law No. 6 of the year 2004.

A local law in relation to support of the Buffalo and Erie
(insert Title)
County Public Library

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

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

Section 1.

Erie County Local Law Number One of nineteen hundred fifty-nine, constituting the Erie County Charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of Public Libraries.

a. 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.

b. 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.

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

Section 2.

This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3.

This local law shall be effective January first, the year two thousand and five upon adoption by a two-thirds majority of the Legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the County at the next general election of state or county government officers held not less than sixty days following the adoption of this local law, provided, however, that the provisions of this local law shall expire and be deemed repealed on or after January first, the year two thousand and seven.

(1-a)

(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. 6 of 2004 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on Nov. 18 2004, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted on Dec. 8 2004, 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.

Kerri Keller

Clerk of the County legislative body, City, Town or Village Clerk
~~xxx office designated by local legislative body~~

(Seal)

Date: December 21, 2004

(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.

Melissa Hummer

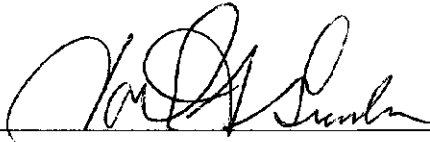
Signature

Assistant County Attorney
Title

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

Date: December 21, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 12-2004 (Print #2) on Friday, December 3, 2004, 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 8 day of December, 2004.



A Public Hearing was held on the foregoing Local Law Intro. No. 12-2004 (Print #2) on Friday, December 3, 2004, 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, 2004.
