

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 05 2000

Alexander F. D'Amico
Secretary of State

County

~~City~~ of ERIE

~~Town~~

~~Village~~

Local Law No. 5 of the year 2000

A local law amending the Erie County Charter and Erie County
(Insert Title)
Administrative Code with respect to the consolidation
of the Erie County Holding Center and Erie County
Correctional Facility.

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

County

~~City~~ of Erie

~~Town~~

~~Village~~

as follows:

Section 1. Section 1608 of the Erie County Charter, being local law number one of the year nineteen hundred fifty-nine, as amended, is hereby amended to read as follows:

Section 1608. 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.

Section 2. Article XV of the Erie County Charter, being local law number one of the nineteen hundred fifty-nine, as amended, is hereby amended to by adding thereto a new section 1505 to read as follows:

Section 1505. The sheriff shall appoint the superintendent of the Erie county correctional facility to serve

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

at his 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.

Section 3. Section 16.08(e) of the Erie County Administrative Code, being Erie County local law number one of the nineteen hundred sixty, as amended, is hereby amended to read as follows:

e. The superintendent of the Erie county correctional facility shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties conferred or imposed upon him by the county charter, by this code, by order or direction of the sheriff, by local law, by chapter seven hundred thirteen of the laws of nineteen hundred forty-six or by any other applicable law not inconsistent with the county charter or this code.

Section 4. Notwithstanding any provision of any special law of the State of New York or any local law of Erie County to the contrary, the Sheriff of Erie County shall have custody and

(1-A)

control of the Erie county correctional facility.

Section 5. This local law shall be placed before the voters of the County of Erie at a general election to be held at least sixty (60) days after the adoption hereof. If approved, this local law shall take effect immediately.

(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. _____ 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 _____ and was deemed duly adopted on _____ 20____, 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. _____ 5 _____ of 2000 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on August 3 2000, and was ~~not approved~~ ~~repassed after disapproval~~ by the Erie County Executive on Sept. 6, 2000. 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 Nov. 7, 2000, in accordance with the applicable provisions of law. ***

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ 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.
** Attached hereto and numbered as page (4) is the approval message of the Erie County Executive. (2)
*** Attached hereto and numbered as page (5) is the Certification of passage of the referendum prepared by the Commissioners of the Erie County Board of Elections.

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

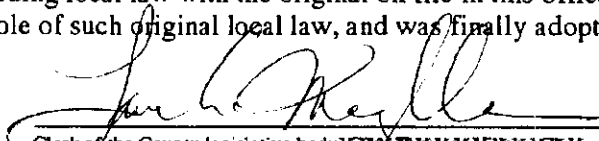
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ 3____, above.



~~Clerk of the County legislative body~~ ~~XXXX~~ ~~Village Clerk~~
~~Officer designated by local legislative body~~

LAURIE A. MANZELLA

Date: 12/4/00

(Seal)

(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 SUSANNAH M. BOCHENEK

1ST ASSISTANT COUNTY ATTORNEY
Title

County
~~XXXX~~ of ERIE
~~XXXX~~
~~Village~~

Date: 12/4/00

A Public Hearing was held on the foregoing Local Law Intro. No. 6-2000 on Wednesday, September 6, 2000, due notice thereof having been published in the official newspaper 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 6th day of September, 2000.



A Public Hearing was held on the foregoing Local Law Intro. No. 6-2000 on Wednesday, September 6, 2000, due notice thereof having been published in the official newspaper 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 6th day of September, 2000.

ERIE COUNTY BOARD OF ELECTIONS

2000 GENERAL ELECTION CERTIFICATION

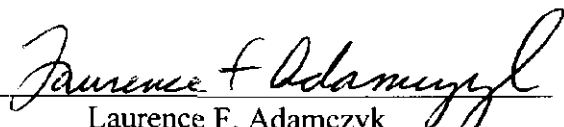
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

We, Laurence F. Adamczyk and Ralph M. Mohr, Commissioners of the Board of Elections of the County of Erie, and constituting said Board of Elections, do hereby certify that the annexed statement of canvass of the votes cast for the **Erie County - Local Law Intro. No. 6 of 2000, Consolidation of the Erie County Holding Center and the Erie County Correctional Facility** in the County of Erie, State of New York on the 7th day of November, 2000 is a true and correct transcript of the original entered and filed in this office on this date.

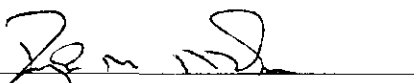
**Erie County Local Law Intro. No. 6 of 2000
Consolidation of the Erie County Holding Center and the Erie County Correctional Facility**

Yes	Received	157375
No	Received	90641
Blank, Void & Scattering	Received	183320
Total Votes Cast		431336

In Testimony Whereof, we have hereunto set our hand and affixed the Seal of the Erie County Board of Elections, this 4th day of December, 2000.



Laurence F. Adamczyk
Commissioner



Ralph M. Mohr
Commissioner