

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.)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 08 2002

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.

County

~~XXIX~~

of Erie

~~XXIX~~

~~XXIX~~

MISCELLANEOUS
& STATE RECORDS

Local Law No. 6 of the year 2001.

A local law consolidating certain functions and duties of the
(Insert Title)
Department of Youth Services with the Department of
Health and Probation Department.

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

County

~~XXIX~~

of Erie

~~XXIX~~

~~XXIX~~

as follows:

Section 1. Declaration of Purpose. The Legislature recognizes the special needs of many youths and adults in the County, and further recognizes that through a reorganization of the Departments of Health, Youth Services and Probation, the needs of these youths and adults can be provided in a more effective and efficient manner.

Section 2. Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended as follows:

a. Article V is hereby amended by adding Section 506 which shall read as follows:

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.

b. Section 11-F-01 of Article XI-F, entitled "Department of Youth Services" is hereby deleted in its entirety and replaced with the following:

Section 11-F-01. Department of Youth Services; commissioner. There shall be a department of youth services, hereinafter to be known as the "Erie County Youth Bureau", 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. The commissioner may, within the appropriations provided therefor, appoint to serve at his pleasure, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties.

c. Subsection "a" of Section 11-F-02 of Article XI-F, entitled "Department of Youth Services" is hereby deleted in its entirety and replaced with the following:

a. Act as a local administrative officer for planning, coordination, and management of services for youth in cooperation with the county executive and the county legislature.

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

d. Section 1606 of Article XVI is hereby deleted in its entirety and replaced with the following:

Section 1606. Department of Probation and Youth Detention. There shall be a Department of Probation and Youth Detention headed by a director who shall be appointed by the county executive, subject to confirmation by the county legislature. Within said department there shall be a Probation Division and a Youth Detention Division, each headed by a deputy director.

Section 3. Local Law No. 1-1960, constituting the Erie County Administrative Code, as amended, is hereby amended as follows:

Section 16.06 of Article 16 is hereby deleted in its entirety and replaced with the following:

Section 16.06. Department of Probation and Youth Detention; director. The Department of Probation and Youth Detention shall be headed by a director who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The director shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive, or by any other applicable law, not inconsistent with the county charter or this code. The director shall appoint, to serve at his pleasure, a deputy director of the Probation Division and a deputy director for the Youth Detention Division.

a. Probation Division. The Probation Division shall be headed by a deputy director of probation who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. The deputy director of probation shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive and/or the director of probation and youth detention, by article twelve-A of the executive law as head of a county probation department, and by any other applicable section thereof or by any other applicable law, not inconsistent with the county charter or this code.

b. Youth Detention Division. The Youth Detention Division shall be headed by a deputy director of youth detention who shall be appointed on the basis of his experience and his qualifications for the duties of his office. The deputy director shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the county charter, by this code, by order or direction of the county executive and/or the director of probation and youth detention, or by any other applicable law, not inconsistent with the county charter or this code.

(1-a)

Section 4. This local law shall be effective upon the latter of (1) filing with the Secretary of State pursuant to Section 27 of the New York Municipal Home Rule Law, or (2) January 1, 2002.

(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. _____ 6_____ of 2001____ of the ~~(County)(City)(Town)(Village)~~ of Erie_____ was duly passed by the Erie County Legislature on Nov. 29, 2001, and was ~~approved~~ ~~(not approved)~~ ~~(repassed after disapproval)~~ by the County Executive_____ and was deemed duly adopted on Dec. 20, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

I

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.
(Name of Legislative Body)
(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.)

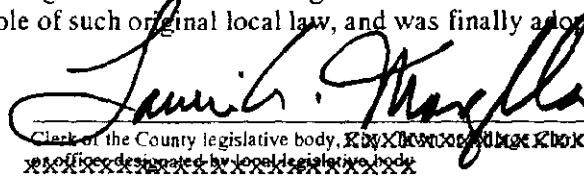
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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, or by X Town or Village Clerk~~
~~or officer designated by local legislative body~~

Laurie A. Manzella

Date: 1/2/02

(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.



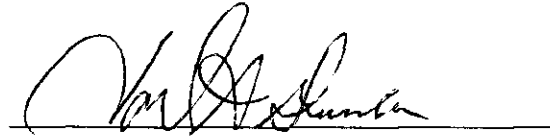
Signature Susannah M. Bochenek

1st. Assistant County Attorney
Title

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

Date: 12/31/01

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2001 on Thursday, December 20, 2001. 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 20th day of December, 2001.



A Public Hearing was held on the foregoing Local Law Intro. No. 11-2001 on Thursday, December 20, 2001. 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 20th day of December, 2001.
