

To: Charter Revision Commission
From: Ed Rath
Form and Scope Committee

May 19, 2006

RE: Action items regarding Article I

Attached is a revised Article I recommendation and executive summary.

Section 106 is new material. This provides an effective date for the new charter.

Section 105 was previously tabled. The committee received no further input from commissioners. The motion will be to lift the item from the table for action.

The language in 101C reflects a suggested amendment to the proposed section, as filed at the last meeting. It takes into consideration the discussion on the section held at a previous meeting. The motion will be to lift the item from the table and amend Section 101c to reflect the new language then to act upon it.

Executive Summary (Revised)

Article 1

Article 1 was assigned to the Form & Scope Committee. Article 1 includes the general scope of the county functions as well as providing for the home rule authority of a charter county. It defines the status of the county as a municipal corporation. Additionally it provides for the continuation of existing laws and resolutions not inconsistent with the charter to remain in effect until amended, superceded or repealed.

The matter of legislative districts, which have been included in this section, has not been addressed by the Form & Scope Committee as it was assigned to the Administration & Legislature Committee. That portion section should be added to Article 1 or moved elsewhere upon adoption of the A&L recommendation.

Additions to Article 1.

Sec. 101: Language was added to emphasize the need for the county to play a role in the coordination of economic development and planning. Language also was added to recognize the role the county should play in the encouragement of inter-governmental cooperation among the cities, towns and villages in the county. This is consistent with the redefined role of a county executive.

Language was added to call attention to Chapter 479 of New York State laws that allows counties the opportunity to meet state mandates in alternative ways that may be more cost effective.

Language was added to respond to citizen concerns about open government. A provision that states that meetings shall be held at times and places that will provide for maximum citizen participation in county government was added.

A provision for an open meetings officer of the legislature was added.

A requirement that meetings of a political caucus, regardless of majority or minority status, at which public business is being discussed shall be open to the public.

A section was added to provide for future charter reviews on a periodic basis.

The effective date of the new charter was added.

Notes:

The section dealing with the legislature is not included at this time, pending the A&L committee report and action.

ARTICLE I

ERIE COUNTY AND ITS GOVERNMENT

Section	101.	Title and purpose.
	102.	County status, powers and duties.
	103.	Charter effect on state laws.
	104.	Charter effect on local laws and resolutions.
	<u>105.</u>	<u>Charter Review</u>
	<u>106.</u>	<u>Effective Date</u>

Section 101. Title and purpose. This charter and all amendments hereto shall constitute the form of government for the county of Erie and shall be known and cited as the "Erie county charter." Among the purposes of this charter are the accomplishment of greater efficiency, economy and responsibility in county government; the securing of all possible county home rule; **the coordination of planning and economic development ; and the encouragement of inter-governmental cooperation among the cities, towns, villages and the county.**

- a) **The county of Erie shall provide services in a manner most economical for the taxpayer while maintaining the level of service established by the county strategic and business plans and as approved and funded by the Erie county legislature. In the case of New York State mandated services, alternative methods of implementation of mandates as provided for by state law shall be periodically reviewed.**
- b) **Hearings and meetings of Erie county government shall be held at such times and places as to provide for maximum participation by citizens of the county.**
- e) **An informed citizenship being essential to good government, the Legislature shall name an open meetings officer from among its members to advise the body on compliance with the state Open Meetings and Freedom of Information laws. A political party caucus or conference of the legislature, regardless of majority or minority status, at which public business is conducted shall be open to the public.**

Section 102. County status, powers and duties. The county of Erie shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter or by the applicable law.

Section 103. Charter effect on state laws. Within the limits prescribed in the New York state municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the county of Erie and its government are affected.

Section 104. Charter effect on local laws and resolutions. Except to the extent inconsistent with this charter, all existing laws and resolutions heretofore adopted by ~~the county board of supervisors~~ **the legislature of the county** shall continue in force until amended, superseded or repealed as provided herein.

Section 105. The Erie county legislature chairperson shall introduce a local law establishing a charter review commission by February 28, 2010, to report its recommendations no later than June 1, 2011. In the event the Legislature fails to act, the County Executive shall empanel such a commission no later than April 1, 2010. A charter review commission shall be named in accordance with the above in the tenth year of each decade thereafter.

Section 106. The effective date of this charter shall be January 1, 2007.