

CHARTER REVISION COMMISSION RECOMMENDATIONS

ARTICLE I. ERIE COUNTY and ITS GOVERNMENT

Section 101. The Commission recommends that language be added to this section to stress the need for the County to play a role in coordination of economic development and planning as well as play a role in encouraging inter-governmental cooperation. Reference is made to Chapter 479 of New York State Laws to encourage the county to seek alternative, more cost-efficient ways to meet state mandates. In addition, the Legislature is required to name an Open Meetings Officer from among its members to advise the Legislature on open meetings and Freedom of Information laws. Finally, the Legislature is required to hold hearings and meetings at times and places to insure maximum public participation.

Section 102. No change

Section 103. No change

Section 104. Elimination of out-dated language relating to Board of Supervisors.

Section 105. New provision is recommended establishing future charter review process. (Currently, this section describes number of legislative districts and their boundaries. This should be revised to reflect that there are currently 15 districts and the boundaries thereof and renumbered accordingly).

Section 106. Current section should be renumbered to 107.

Section 108. Provides an effective date for new charter and its provisions.

ARTICLE II. LEGISLATIVE BRANCH

Section 201. No change

Section 202. No change

Section 202.1. No change

Section 202.2. No change

Section 202.3. No change

Section 203. No change

Section 204. The Commission recommends that language be added to require the Legislature to hold a public hearing before a proposed local law is considered by the full Legislature for a final

vote. Five days prior notice must be given to the public by posting information about the public hearing on the county's website and distribution of a summary of the proposed local law to the news media.

Section 205. No change

Section 206. No change

Section 207. No change

Section 208. No change

Section 209. No change

Section 210. The Commission recommends that a redistricting commission be established consisting of an equal number of members from both major political parties with the tie-breaking member selected by the other members. The new section should include specific standards and detailed procedures for the operation of the redistricting commission. In addition, the "good government" goals of partisan fairness, responsiveness and accountability should be included in the language of the charter.

Section 211. ECMC removed and ECC added to list of entities for which the County will hire an annual auditor.

ARTICLE III. EXECUTIVE BRANCH

The recommendations of the Commission with respect to the executive branch are sweeping and involve recommended changes to every section of Article III. The office of County Executive is retained but the duties and responsibilities are substantially reduced. *[Note as of July 17: Commissioner Gerald Kelly indicates that "modified" would be more accurate than "reduced."]* The office of Deputy County Executive is abolished and the office of County Manager is created and given a broad range of authority to manage the operations of county government. The Comptroller is given additional responsibility for some duties currently the responsibility of the Executive and the Division of Purchasing is abolished.

ARTICLE IV. DEPARTMENT OF FINANCE

The Commission recommends that the Department of Finance be eliminated and a Department of Real Property Tax Services be created. This office will be headed by a director whose duties and responsibilities shall encompass all duties related to the administration and collection of taxes, certain record-keeping and reporting functions. (The Commission approved recommendations reflecting these changes to Article IV of the Administrative Code).

ARTICLE V. DEPARTMENT OF HEALTH

Section 501. The Commission recommends that the County Manager appoint the Commissioner of Health for a term prescribed by New York State Public Health law.

Section 502. The Commission recommends that additional duties for the Commissioner of Health be assigned by the County Manager instead of the County Executive.

Section 503. No substantive change, just moved from within section 502 to its own section.

Section 504. The Commission recommends that the Board of Health members be appointed by the County Manager. (This is formerly section 503 of Article V).

Section 505. No change except renumbering and elimination of unnecessary references.

Section 506. The Commission recommends that the director of the county laboratory be appointed by the Commissioner of Health instead of the County Executive. (The language in this section was formerly in sections 505 and section 1603.)

Section 507. The Commission recommends that the Division of Emergency Medical Services and Public Health Preparedness and Response be added to the jurisdiction of the Commissioner of Health. The members of the advisory board would be appointed by the County Manager. (This department currently appears in Article XI-C of the charter).

ARTICLE VI. DEPARTMENT OF LAW

No change

ARTICLE VII DEPARTMENT OF PARKS AND RECREATION

Section 701. The Commission recommends that the County Manager, instead of County Executive, appoint the Commissioner and that Forestry be added to the title of the department.

Section 702. The Commission recommends that the County Manager, instead of County Executive, be authorized to provide additional duties and responsibilities for the Commissioner.

Section 703. No change

ARTICLE VIII. DEPARTMENT OF PERSONNEL

No change

ARTICLE IX. DEPARTMENT OF ENVIRONMENT & PLANNING

No change

ARTICLE X. DEPARTMENT OF PUBLIC WORKS

Section 1002. ECMC grounds removed from purview of Commissioner of Public Works.

ARTICLE XI. DEPARTMENT OF SOCIAL WELFARE

The Commission recommends that Article XI of the charter be expanded to include Articles XI-B, XI-E, XI-F, XVI (section 1606) and XVI-F. The net effect of our recommendations is to make the structural changes to implement the “Blueprint for Change” which will allow Erie County to deliver social services to its residents in a more efficient, effective and outcome-oriented manner. In general, the name of the department would be changed to the Department of Human Services, the language of Article XI-B relating to the Department of Mental Health would be moved to sections 1104 and 1104 (a) and the position of commissioner would be eliminated and replaced by a deputy commissioner appointed by the Commissioner of Human Services. Article XI-E relating to the Department of Senior Services would be eliminated with the language being moved to sections 1106 and 1106 (a) of Article XI. The position of commissioner is eliminated and deputy commissioner is added to be appointed by the Commissioner of Human Services. Article XI-F relating to the Department of Youth is moved to Section 1104 (b) of Article XI with appropriate language changes and language relating to youth detention is eliminated from Article XVI (section 1606) and moved to Section 1104 (b) of Article XI. Finally, Article XVI-F relating to the Erie County Community Coordinating Council on Children and Families is moved to Section 1104 (c) of Article XI with appropriate language changes.

ARTICLE XI-B DEPARTMENT OF MENTAL HEALTH

Please see Article XI recommendations above.

ARTICLE XI-C DEPARTMENT OF EMERGENCY SERVICES

Please see Article V recommendations above and Article XI-D recommendations below.

ARTICLE XI-D DEPARTMENT OF CENTRAL POLICE SERVICES

The Commission recommends that this article be combined with the article XI-C to create the Department of Public Safety. The new department would be headed by a Commissioner of Public Safety who would be nominated by the Erie County Department of Public Safety Executive Committee and chosen and confirmed by the Legislature. The Commissioner would supervise forensic sciences, public safety communications, public safety training, fire safety, disaster preparedness and emergency services.

ARTICLE XI-E DEPARTMENT OF SENIOR SERVICES

Please see Article XI recommendations above.

ARTICLE XI-F DEPARTMENT OF YOUTH SERVICES

Please see Article XI recommendations above.

ARTICLE XI-F OFFICE FOR THE DISABLED (the current charter has two Articles XI-F)

Please see “Office of Public Advocacy” (new article) recommendations below.

ARTICLE XII. COMPTROLLER

The Commission recommends the following additions to the Comptroller’s current duties and responsibilities: (1) responsibility for reviewing county-wide revenue projections and recommending to Legislature that action be taken to reduce inflated projections; (2) control over all county bank accounts, including the vendor bank account currently under control of the County Executive; (3) responsibility for revenue recovery function and (4) the provision of all accounting services to all county departments, offices and units as part of a centralized accounting system. (The Commission approved recommendations to amend Article XII of the Administrative Code to reflect the changes described above).

ARTICLE XIII. COUNTY CLERK

No change

ARTICLE XIV. DISTRICT ATTORNEY

No change

ARTICLE XV. SHERIFF

No change

ARTICLE XVI. OTHER COUNTY BOARDS, OFFICERS, INSTITUTIONS

Section 1601. No change

Section 1602. The Commission recommends substantial revision of the language in this section and removal of language to a new article entitled Autonomous Institutions (see below). The language in the new article reflects the hospital status as a public benefit corporation and provides methodology for governing the hospital in the event its public benefit corporation status is changed.

Section 1603. The Commission recommends that the language relating to the county laboratory and its director be moved to Article V of the charter (Department of Health).

Section 1604. Repealed prior to Commission inception.

Section 1605. No change

Section 1606. The Commission recommends that responsibility for youth detention is removed from Department of Probation and over to the new Department of Human Services in Article XI.

Section 1607. This section governs how the boards of several entities are appointed; the Commission recommends removing ECC from this list.

Section 1607. [Note the numbering conflict—we now have two sections 1607, the old one, addressed above, and this newly created one.] The Commission recommends the establishment of a default set of rules for advisory boards to render unnecessary the repetition of nearly identical language throughout the charter relating to advisory groups. Our recommendations cover matters such as number of members, the appointment process, length of terms, frequency of meetings and annual reporting requirements.

Section 1608. The Commission recommends that this section be combined with section 1609 and provide that unless otherwise provided in the charter, the County Manager, instead of the County Executive, would be responsible for the appointment of the heads of county administrative units, subject to confirmation by the Legislature, and likewise responsible for the assignment to an administrative unit of any unassigned administrative functions.

Section 1609. See section 1608 above.

Section 1610. No change

Section 1611. Repealed prior to Commission inception.

Section 1612. The language in this section is moved to the new article on Autonomous Institutions (see below) to reflect the unique status of the Buffalo and Erie County Public Library.

Section 1613. Deleted and replaced with new language regarding ECC in the new article on Autonomous Institutions (see below).

ARTICLE XVI-A ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

No change.

ARTICLE XVI-B ERIE COUNTY CONSUMER PROTECTION COMMITTEE

Please see “Office of Public Advocacy” (new article) recommendations below.

ARTICLE XVI-C ERIE COUNTY CITIZENS COMMITTEE ON RAPE AND SEXUAL ASSAULT

Deleted. (The Committee had previously voted to cease operation, as all aspects of its mission had either been accomplished, or assumed by other organizations.)

ARTICLE XVI-D ART AND CULTURE IN PUBLIC PLACES BOARD

Deleted.

ARTICLE XVI-E ERIE COUNTY COMMISSION ON THE STATUS OF WOMEN

Please see "Office of Public Advocacy" (new article) recommendations below.

ARTICLE XVI-E CITIZENS SALARY REVIEW COMMISSION (the current charter has two Articles XVI-E)

No change

ARTICLE XVI-F ERIE COUNTY COMMUNITY COORDINATING COUNCIL ON CHILDREN AND FAMILIES

Please see Article XI recommendations above.

ARTICLE XVII SERVICE RELATIONSHIPS WITH LOCAL MUNICIPALITIES

No Change

ARTICLE XVII-a NARCOTICS CONTROL BOARD

The Commission recommends the elimination of this now dormant board.

Article XVIII FINANCIAL PROCEDURES

Section 1801. No change

Section 1802. The Commission recommends the inclusion of a statement of intent in this section to insure that transparency, programmatic budgeting, quantification and cost accounting are included in the budget. In addition, language is added to recognize the role of the County Manager in the budget development and submission process.

The Commission recommends that a new section be added entitled Revenue Projections Reviewed and under this section the Comptroller be authorized to review revenue projections and certain large expense projections. In the event the Comptroller determines that such revenue or expenditure estimates are unsuitable, then the Legislature may reduce the revenue by a two-thirds vote to an appropriate amount or increase the expenditure by a simple majority vote.

Section 1803 A. The Commission recommends that this subsection be clarified to clearly indicate the need to vote on each individual line item proposed in an amendment to the budget offered less than forty-eight hours prior to the annual budget meeting of the Legislature.

Section 1803 B. No change

Section 1803 C. No change

Section 1803 D. No change

Section 1803 E. No change

Section 1803 F. The Commission recommends the inclusion of language which insures that budget documents are easily accessible by the public both online and in the public libraries.

Section 1803 G. The Commission recommends that this subsection be deleted.

Section 1804. The Commission recommends that the language authorizing the Legislature to fix a reserve amount for uncollected taxes be deleted since the Legislature is not in a position to make this determination.

Section 1805. The Commission recommends that if there are available revenues not anticipated in the budget for that year the County Executive may make supplemental appropriations subject to legislative approval, for that year, up to the amount of such revenues.

Section 1806. The Commission recommends that a statement of intent be added to indicate that the maintenance of a balanced budget throughout the year is essential to the fiscal integrity of the county. In addition, our recommendation provides a mechanism with checks and balances between the manager (executive), comptroller and the Legislature to insure that if a deficit arises it can be dealt with immediately. Finally, we recommend that the executive (manager) be allowed to make transfers within administrative units up to 10,000 dollars and such transfers be reported to the Legislature on a monthly basis.

Section 1807. No change

Section 1808. No change

Section 1809. No change

Section 1810. Deleted

Section 1811. No change

Section 1812. No change

Section 1813. The Commission recommends the elimination of language relating to the Erie County Medical Center and the Erie County Home and Infirmary.

Section 1814. The Commission recommends that this section relating to the Citizens' Budget Review Commission be deleted since this commission was never convened.

The Commission also reviewed Article 18 of the Administrative Code and has the following specific recommendations:

ARTICLE 18 FINANCIAL PROCEDURES

Section 18.01. No change

Section 18.02. The Commission recommends that the date for submission of budgets for administrative units be changed to August 15th from September 15th and that independently elected officials submit their proposed budgets to the county manager, for consultation, but not alteration, without the consent of independently elected officials by September 15th of each year. In addition, the Legislature is authorized to review the budget format at least once every two years. The Commission also recommends that all capital budget items include justifications based on return on investment, leverage of revenue sources, impact on credit rating or other measures used to justify and prioritize such expenditures.

Section 18.03. The Commission recommends that the date for capital project submittals be changed from September 15th to August 15th, that bonded capital not be used for paying salaries, utilities, supplies or other recurring operating expenses unless authorized under New York State law and that a proper fund balance be maintained in the adopted budget.

Section 18.05. The Commission recommends that independently elected officials be authorized to manage their own budgets throughout the fiscal year but the Legislature is allowed by simple majority vote to institute appropriate measures in the event of a deficit.

ARTICLE XIX. GENERAL PROVISIONS

Please note the Commission recommendation in Article 1 regarding the establishment of regular charter review process is in conflict with Section 1907 of this article. In addition, the Commission recommends that a new section be added to this article addressing the issue of political solicitation. The Commission recommends that a county officer or employee be prohibited from knowingly soliciting a contribution to a political campaign from any person who has business pending with the county and from soliciting a contribution or campaign work from a subordinate employee. Under our recommendation there are two exceptions to this prohibition: (1) a general solicitation to a broad class of persons of which the subordinate or the person doing business with the county merely happens to be a member and (2) elected officers could request civil service exempt members of their own staffs to participate in their campaigns.

ARTICLE XX. WHEN AND HOW OPERATIVE AND EFFECTIVE

No change but please note the Commission recommendation in Article 1 regarding the effective date of its recommendations.

ARTICLE XXI. SUNSET PROVISIONS

No change

NEW ARTICLE: OFFICE OF PUBLIC ADVOCACY

Reorganizes five entities that have long existed, mostly updating the charter to reflect present practice: in order to enable better sharing of resources, the county executive has already created the Office of Public Advocacy and placed within it the Office of Equal Employment Opportunity, the Commission on the Status of Women (moved from Article 16-E), the Office of Veterans Services, and the Office of the Disabled (moved from Article 11-F), which had been freestanding units. A fifth formerly freestanding entity, the Consumer Protection Committee (moved from Article 16-B), would now also be placed within the Office of Public Advocacy.

NEW ARTICLE: AUTONOMOUS INSTITUTIONS

Clarifies the status of three self-governing institutions: Erie Community College (ECC), Erie County Medical Center Corporation (ECMCC) and the Buffalo and Erie County Public Library (BECPL). These autonomous institutions are all established under and governed by New York State laws, while supported in part by Erie County taxpayers.

1) Recognizes ECC as a component of SUNY, established under Article 126 of the NYS Education Law, and acknowledges that its board of trustees has all the powers set forth in that Article and other applicable state laws. Authorizes the county to obtain periodic audits of ECC's financial records. Encourages cooperation between ECC and the county in training county personnel.

2) Recognizes ECMCC as a public benefit corporation organized under the NYS Public Authorities Law. Provides that, should ownership of the hospital revert from ECMCC to the county, an interim board of directors appointed by the County Executive would operate the hospital for up to one year, while a new organizational structure is developed and implemented.

3) Recognizes BECPL as a corporation chartered by the NYS Board of Regents, governed under Chapter 768 of the NYS Laws of 1953, and funded under Section 259 of the NYS Education Law, and acknowledges that its board of trustees has all the powers set forth in all applicable state laws.