

## Erie County Legislature Alicia Giglio

### What is the Erie County Legislature's contact information?

*Website:* <http://www.erie.gov/legislature/>

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Buffalo, New York 14202

*Phone:* (716) 858-7500 *Fax:* (716) 858-8895 <sup>1</sup>

### What is the Erie County Legislature?

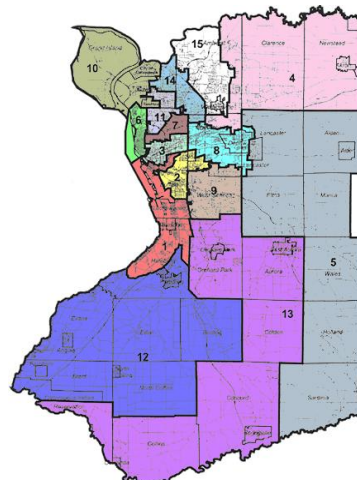
New York State County Law allows each county to designate a board of supervisors to supervise the county.<sup>2</sup> However, if the county chooses, it may establish an elected county legislative body to take on the functions, powers, obligations and duties of the board of supervisors.<sup>3</sup> In Erie County this elected legislative body is the Erie County Legislature.

### Who does the Erie County Legislature serve?

The Erie County Legislature serves all of the residents of Erie County. In order to equally represent all residents, the county is broken up into legislative districts that are determined by Census population numbers.<sup>4</sup> Erie County currently consists of 15 legislative districts. In every district, one elected Erie County Legislator represents approximately 62,000 citizens.<sup>5</sup> These legislators "each operate a staffed district office which offers residents a variety of services."<sup>6</sup>

### Who are the current members of the Erie County Legislature?

- District 1:* Daniel M. Kozub
- District 2:* Timothy M. Kennedy
- District 3:* Barbara Miller-Williams
- District 4:* Raymond W. Walter
- District 5:* Kathy Konst
- District 6:* Maria R. Whyte
- District 7:* Betty Jean Grant
- District 8:* Thomas J. Mazur
- District 9:* Timothy M. Wroblewski
- District 10:* Michele M. Iannello



*District 11:* Lynn M. Marinelli  
*District 12:* Robert B. Reynolds, Jr.  
*District 13:* John J. Mills  
*District 14:* Thomas A. Loughran  
*District 15:* Edward Rath III.<sup>7</sup>

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More information about the legislators and their districts can be found at <http://www.erie.gov/legislature/legislators.asp>. Click on the name of each district to learn more about your legislator and to access his or her contact information. The specific district boundaries can be found at: <http://www.erie.gov/laws/eccode/charter1.asp>.

### **How are Erie County Legislators elected?**

Each Erie County Legislator serves a term of two years.<sup>9</sup> Candidates must be from the district which they wish to represent, and if elected cannot hold any other salaried elective public office during their service.<sup>10</sup> Anyone running for the position of Erie County Legislator must follow the specific steps laid out by New York State Elections Law; which can be found at <http://www.elections.state.ny.us/RunningOffice.html>.



The residents of a district vote for a legislator to represent that district. You can register to vote at the Erie County Board of Elections website, <http://www.erieboe.com/content.aspx?id=58>. This site will also keep you informed as to upcoming elections and your polling place.

### **How is the Erie County Legislature organized?**

The full Legislature consists of the 15 representatives listed above. The full Legislature elects, by a majority vote, one of those 15 representatives to serve as its Chairman.<sup>11</sup> New York State County Law requires that a legislature select its Chairman by January 8<sup>th</sup> of each year.<sup>12</sup> Additionally, each party designates one legislator of their party to serve as their leader; these are known as the Majority Leader and the Minority Leader.<sup>13</sup> The current leaders are:

- *Chairperson*, Lynn M. Marinelli
- *Majority Leader*, Maria R. Whyte
- *Minority Leader*, John J. Mills

Every year the Legislature also elects a Clerk of the Legislature. The Clerk and his staff “prepare agendas for meetings, prepare reports, send meeting notices, handle inquiries from the public and officials, and prepare the minutes of the Legislature which are its official proceedings.”<sup>14</sup> The current Clerk is John M. Graber.

In order for the Legislature to function more efficiently, each party selects a Legislative Assistant who collects, organizes, and analyzes data, and a Majority Counsel and a Minority Counsel are appointed to serve their respective members.<sup>15</sup>

### **What are the powers of the Legislature?**

The powers of the Erie County Legislature are governed by Article 2 of the Erie County Charter, <http://www.erie.gov/laws/eccode/charter2.asp>, and Article 2 of the Erie County Administrative Code, <http://www.erie.gov/laws/eccode/code2.asp>.

The Erie County Administrative Code grants the Legislature certain general powers, and the Erie County Charter lays out a list of the Legislature's specific powers and duties. These specific powers include:



- making appropriations and levying taxes
- enacting, amending, repealing, or rescinding local laws
- legalizing acts, ordinances, or resolutions
- adopting, amending, or repealing an administrative code
- creating, altering, combining, or abolishing administrative units
- fixing the compensation of officers and employees of the county
- conducting studies and investigations it deems necessary<sup>16</sup>

### **How does the Erie County Legislature operate?**

Conduct: The operations of the Legislature, and the parliamentary procedure of the meetings of the Legislature, are governed generally by New York State County Law,<sup>17</sup> and more specifically by a set of Erie County rules that may be changed by a majority vote of all members.<sup>18</sup>  
*2009 Rules of Order*: [http://www.erie.gov/legislature/overview\\_rules.asp](http://www.erie.gov/legislature/overview_rules.asp).

Regular Meetings: The Chairman annually schedules regular meetings of the full Legislature which usually take place twice a month, except in August when the Legislature recesses.<sup>19</sup>

Special Meetings: Special meetings may be called by the Chairman or by way of a petition signed by a majority of the members.<sup>20</sup>

Committees: By law, the Chairman is also allowed to designate committees to assist the Legislature in the transaction of business.<sup>21</sup> There are currently eight standing, permanent committees in the Erie County Legislature:

1. Community Enrichment
2. Economic Development
3. Energy & Environment
4. Finance & Management
5. Government Affairs
6. Human Services
7. Public Safety
8. Purchasing Ad Hoc<sup>22</sup>

Each committee has a Chairman, Vice Chairman, three Majority members and two Minority members.<sup>23</sup> The members of the committees are appointed by the Chairman of the Legislature from his membership.<sup>24</sup> Special committees can be comprised of citizens who are not legislators.<sup>25</sup> The committees meet separately from the full Legislature and report back on certain items and policies.<sup>26</sup> For additional committee information go to: [http://www.erie.gov/legislature/committee\\_schedule.asp](http://www.erie.gov/legislature/committee_schedule.asp).

### **How do action items get placed on the meeting agenda?**

The Legislature can take action on items and communications from various sources including:

- ❖ the County Executive
- ❖ the various county departments and agencies
- ❖ other governments
- ❖ the public
- ❖ the legislators themselves<sup>27</sup>

The County Executive, or a department head, needs the approval of the Legislature for certain actions, such as the approval of the annual budget.<sup>28</sup> Private citizens, organizations, and businesses also ask the Legislature to take specific actions. Legislators themselves may submit items for consideration through resolutions which suggest actions to be taken in subject areas.<sup>29</sup> County officials and others also often ask the Legislature to provide information and opinions on certain issues. Less frequently, the Legislature takes action on a Local Law or major policy decision.<sup>30</sup>



“A communication, resolution or Local Law is officially received by the Legislature in the Office of the Clerk.”<sup>31</sup> Usually, items for a meeting of the full Legislature *must be submitted by 11:00 a.m. two business days*

*prior to the meeting.* If received on time, these items are then put on the agenda for the full Legislature’s next meeting.<sup>32</sup> Before the meeting, each party holds a caucus to review these items.<sup>33</sup>

### **How does the Legislature proceed on action items?**

Once an item is on the agenda it can be:

- approved
- defeated
- sent to a committee for study and recommendation
- or received and filed (these items are usually informational in nature and do not require action)

If an item is sent to a committee, the committee can recommend one of the actions listed above to the full Legislature.<sup>34</sup> The full Legislature can then take an action or send the item back to the committee for further County consideration.

Certain actions, including all Local Laws, emergency appropriations, and allocations from the county contingency fund require the approval of the County Executive.<sup>35</sup> “In addition, State law requires that certain types of local laws be put before the voters for final approval.”<sup>36</sup> These include, among others, dispensing of public notice or hearing requirements, changing a provision of law relating to public bidding, purchases, or contracts, and changing laws relating to the assessment of real property.<sup>37</sup>

Following each meeting, minutes are prepared and released to the public and are always available in the offices of the Erie County Legislature for inspection by anyone.<sup>38</sup> *2009 Session Agendas and Minutes:*  
[http://www.erie.gov/legislature/session\\_schedule\\_agendareports09.asp](http://www.erie.gov/legislature/session_schedule_agendareports09.asp)

### **What role does the Erie County Legislature play in the passage of the Erie County Budget?**

Erie County has a budget for each fiscal year, January 1 - December 31.<sup>39</sup> “One of the most important powers of the County Legislature is to annually adopt the Erie County Budget. In adopting the budget, the Legislature, in part, makes appropriations, levies taxes and incurs indebtedness.”<sup>40</sup>



### **What is the Erie County budget process?**

The budget process is governed by Article 26, Financial Procedures, of the Erie County Charter. To view the process in more detail, go to:

<http://www.erie.gov/laws/eccode/charter26.asp>.

On or before October 15th each year, the County Executive must submit a tentative budget for the upcoming fiscal year to the Erie County Legislature.<sup>41</sup> The Legislature's Budget Committee then schedules hearings on the tentative budget and its proposed amendments. The Budget Committee submits a report to the full Legislature that must stay on the table for 48 hours before it can be adopted.<sup>42</sup> "Amendments that add or increase items are subject to approval by the County Executive. Decreases made by the Legislature are not."<sup>43</sup> If additions are not made, no further action is necessary. If they are made, then the County Executive has the option to object and veto the amended budget. "Two-thirds of the voting membership [of the Legislature] is required to override a veto."<sup>44</sup>

### **Where can a citizen view proposed and approved budgets?**

*Approved Budgets:* [http://www.erie.gov/legislature/adopted\\_budgets.asp](http://www.erie.gov/legislature/adopted_budgets.asp)

*2009 Recommended Erie County Budget and 2009-2012 Four Year Plan submitted to the Erie County Legislature for approval:*

[http://www.erie.gov/exec/pdfs/budget2009\\_msg\\_summary\\_proposed.pdf](http://www.erie.gov/exec/pdfs/budget2009_msg_summary_proposed.pdf)

### **Can citizens attend meetings of the Erie County Legislature?**

Yes. All meetings of the Legislature are open to the public; this includes meetings of the full Legislature as well as committees.

- *2009 Schedule of Legislative Sessions:*  
[http://www.erie.gov/legislature/pdf/session\\_schedule.pdf](http://www.erie.gov/legislature/pdf/session_schedule.pdf)
- *Committee Schedule:*  
[http://www.erie.gov/legislature/committee\\_schedule\\_schedule.asp](http://www.erie.gov/legislature/committee_schedule_schedule.asp)
- *Notice of Public Hearings:*  
[http://www.erie.gov/legislature/session\\_schedule\\_agendareports09.asp](http://www.erie.gov/legislature/session_schedule_agendareports09.asp)

### **How do I learn more about the Erie County Legislature?**



For more information, visit the Erie County Legislature's website, <http://www.erie.gov/legislature/>.

The site posts headlines, news, information, updates on public forums and special meetings, and more.

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<sup>1</sup> Erie County Legislature, General Information, [http://www.erie.gov/legislature/contact\\_info.asp](http://www.erie.gov/legislature/contact_info.asp) (last visited April 6, 2009).

<sup>2</sup> N.Y. COUNTY LAW ch. 11 art. 4, § 150 (2009).

<sup>3</sup> *Id.* at § 150-a.

<sup>4</sup> Erie County Legislature, Legislature Overview, <http://www.erie.gov/legislature/overview.asp> (last visited April 6, 2009) [hereinafter Legislature Overview].

<sup>5</sup> *Id.*

<sup>6</sup> Erie County Legislature, Legislators, <http://www.erie.gov/legislature/legislators.asp> (last visited April 6, 2009).

<sup>7</sup> *Id.*

<sup>8</sup> [http://www.erie.gov/legislature/graphics/reapportionment\\_map.gif](http://www.erie.gov/legislature/graphics/reapportionment_map.gif).

<sup>9</sup> ERIE COUNTY CHARTER art. 2, § 202.2, <http://www.erie.gov/laws/eccode/charter2.asp> (2009).

<sup>10</sup> ERIE COUNTY CHARTER art. 2, § 202.1.

<sup>11</sup> Erie County Legislature, Legislature Overview, Internal Organization, [http://www.erie.gov/legislature/overview\\_organization.asp](http://www.erie.gov/legislature/overview_organization.asp) (last visited April 6, 2009) [hereinafter Internal Organization].

<sup>12</sup> N.Y. COUNTY LAW ch. 11 art. 4, § 151.

<sup>13</sup> Internal Organization, *supra* note 12.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> ERIE COUNTY CHARTER art. 2, § 202.

<sup>17</sup> N.Y. COUNTY LAW ch. 11 art. 4, § 152, 153.

<sup>18</sup> Erie County Legislature, Legislature Overview, How the Legislature Takes Action, [http://www.erie.gov/legislature/overview\\_action.asp](http://www.erie.gov/legislature/overview_action.asp) (last visited April 6, 2009) [hereinafter How the Legislature Takes Action].

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> N.Y. COUNTY LAW ch. 11 art. 4, § 154.

<sup>22</sup> Internal Organization, *supra* note 12.

<sup>23</sup> *Id.*

<sup>24</sup> N.Y. COUNTY LAW ch.11 art. 4, § 154.

<sup>25</sup> Internal Organization, *supra* note 12.

<sup>26</sup> How the Legislature Takes Action, *supra* note 19.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> N.Y. MUN. HOME RULE LAW § 24(2) (2009).

<sup>38</sup> How the Legislature Takes Action, *supra* note 19.

<sup>39</sup> Procedure for Adoption of Erie County Budget, [http://www.erie.gov/legislature/budget\\_process\\_procedure.html](http://www.erie.gov/legislature/budget_process_procedure.html) (last visited March 30, 2009).

<sup>40</sup> *Id.*

<sup>41</sup> ERIE COUNTY CHARTER art. 26, § 2603, <http://www.erie.gov/laws/eccode/charter26.asp> (2009).

<sup>42</sup> *Id.* at § 2608.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*



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