

**A RESOLUTION SUBMITTED BY
LEGISLATORS MILLS, TODARO, GREENE, LORIGO**

EC LEG APR 22 '25 PM 9:42

Re: Opposing the Erie County Charter Revision Commission's consideration of any proposal to remove a public referendum on the approval of sales tax and eliminating the need for a supermajority vote to extend sales tax without a public referendum

WHEREAS, New York State authorizes counties and cities to levy a three percent sales and compensating use tax on various goods purchased within the municipality; and

WHEREAS, Erie County biennially requests that New York State grant it the ability to collect an additional one and three quarters percent sales tax pursuant to Municipal Home Rule Law; and

WHEREAS, according to Section 2516 of the Erie County Charter, Erie County's three percent sales tax may not be increased except by an affirmative vote of two-thirds of the whole membership of the County Legislature or by a simple majority vote, subject to a mandatory referendum; and

WHEREAS, Local Law 4-1 was proposed in 2024 which sought to remove the need for a supermajority vote in order to exceed the authorized three percent sales tax and eliminate the referendum requirement if passed by only a simple majority; and

WHEREAS, this measure appeared on the general election ballot in November of that year and was resoundingly defeated by a margin of 151,951 in favor to 250,193 opposed; and

WHEREAS, County Executive Mark Poloncarz has proposed to the Erie County Charter Revision Commission that this measure be recommended by their body as an amendment to the Erie County Charter, despite the clear rejection by a large majority of voters during a presidential election; and

WHEREAS, it would be delegitimizing to the process of the Charter Revision Commission and disrespectful to the electorate to officially recommend this proposal as an amendment to the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the Erie County Charter Revision Commission to disregard any attempt to amend the charter with any proposal that has been recently rejected as a ballot referendum; and be it further

RESOLVED, that certified copies of this resolution be sent to the members of the Charter Revision Commission, Erie County Executive Mark Poloncarz, and any other party deemed necessary and proper.