

COUNTY OF ERIE

LOCAL LAW INTRO NO 5- 3-2024

LOCAL LAW NO. ____ - 2024

A Local Law amending Local Law 1-1959, constituting the Erie County Charter, as amended in relation to the amending of Section 202.2 for the purpose of setting the terms of legislative office to four (4) years and limiting the number of terms for that can be held to three (3) four-year terms for all elected officials.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT

The intent of this legislation is to amend the terms of office for the Erie County of Legislature to a term of four (4) years and to limit the number of terms for all elected officials that can be served to three (3) four-year terms.

Section 2. CHANGING THE TERM OF LEGISLATIVE OFFICE AND LIMITING THE NUMBER OF TERMS FOR ALL ELECTED OFFICIALS

Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended as follows:

Article 2, Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected County legislators shall hold their respective offices for a term of four years. No person shall be eligible to be elected to or serve as County Legislator if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, the term of office shall be calculated beginning: the first day of the Legislator's first full term of office after the effective date hereof.

Article 3, Section 301. The County Executive; election; term; qualifications. The executive branch of County government shall be administered by the County Executive who shall be elected from the County at large. The County Executive's term of office shall begin with the first day of January next following the County Executive's election and shall be for four years, except that the term of the County Executive elected in nineteen hundred sixty shall be for three years. No person shall be eligible to be elected to or serve as County Executive if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, the term of office

shall be calculated beginning the first day of the County Executive's first full term of office after the effective date hereof. At the time of the County Executive's election and throughout the County Executive's term of office the County Executive shall be a qualified elector of the County. The County Executive shall devote the County Executive's whole time to the duties of the County Executive's office and shall hold no other public office, except as provided in section three hundred seven hereof.

Article 18, Section 1801. Election: Comptroller's Act repealed. There shall be a County Comptroller who shall be elected from the County at large. The County Comptroller's term of office shall begin with the first day of January next following the County Comptroller's election and shall be for four years. No person shall be eligible to be elected to or serve as County Comptroller if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, the term of office shall be calculated beginning the first day of the County Comptroller's first full term of office after the effective date hereof. At the time of the County Comptroller's election and throughout the term of office the Comptroller shall be a qualified elector of the County. The Comptroller shall devote the Comptroller's whole time to the duties of the County Comptroller's office and shall hold no other public office. The Erie County Comptroller's Act, being chapter four hundred twenty-three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Article 19, Section 1901. Election. There shall be a County Clerk who shall be elected from the County at large. The County Clerk's term of office shall begin with the first day of January next following the County Clerk's election and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as County Clerk if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, the term of office shall be calculated beginning the first day of the County Clerk's first full term of office after the effective date hereof. At the time of the County Clerk's election and throughout the County Clerk's term of office the Clerk shall be a qualified elector of the County. The Clerk shall devote the County's Clerk's whole time to the duties of the County Clerk's office and shall hold no other public office.

Article 20, Section 2001. Election. There shall be a District Attorney who shall be elected from the County at large. The District Attorney's term of

office shall begin with the first day of January next following the District Attorney's election and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as District Attorney if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, the term of office shall be calculated beginning the first day of the District Attorney's first full term of office after the effective date hereof. At the time of the District Attorney's election and throughout the District Attorney's term of office the District Attorney shall be a qualified elector of the County. The District Attorney shall devote the District Attorney's whole time to the duties of the District Attorney's office and shall hold no other public office.

Article 21, Section 2101. Election. There shall be a Sheriff who shall be elected from the County at large. The Sheriff's term of office shall begin with the first day of January next following the Sheriff's election and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as Sheriff if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, the term of office shall be calculated beginning the first day of the Sheriff's first full term of office after the effective date hereof. At the time of the Sheriff's election and throughout the Sheriff's term of office the Sheriff shall be a qualified elector of County.

Section 3. EFFECTIVE DATE

This Local Law shall take effect the first day of the first fiscal year after receiving an affirmative vote of a majority of the qualified electors of the County of Erie in a manner consistent with the provisions of New York State Municipal Home Rule Law Article 3 and upon its subsequent filing with the New York Secretary of State.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not

affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor:

John J. Bargnesi