



CATTARAUGUS COUNTY

John R. Searles, County Administrator

The Legislature of Cattaraugus County will meet in adjourned session at the County Center, Little Valley, New York, on **Wednesday, October 12, 2011**, for the transaction of such business as may properly come before the meeting.

Contingent Fund Balance: \$156,676

Tobacco Settlement Proceeds to Date: \$16,553,868

3:00 p.m. CALL TO ORDER
ROLL CALL
INVOCATION
MINUTES OF PREVIOUS MEETING
COMMUNICATIONS
PRIVILEGE OF THE FLOOR

- Public Hearing on Local Law No. 11-2011
- Madelyn Thornton, Program Coordinator , Cancer Services of Allegany & Cattaraugus Counties – Breast Cancer Awareness

RESOLUTIONS READY FOR ACTION
UNFINISHED BUSINESS
RESOLUTIONS – IMMEDIATE CONSIDERATION
ADJOURNMENT

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ACT NO.

RESOLUTIONS HELD IN COMMITTEE

450-11 Mr. Snyder and Mrs. Stockman
LOCAL LAW NUMBER 12-2011 – A LOCAL LAW REGULATING THE SALE AND USE OF ELECTRONIC CIGARETTES ("E-CIGARETTES") AND HERBAL CIGARETTES
Finance and Human Services

451-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING PUBLIC HEARING ON LOCAL LAW NUMBER 12-2011
Finance and Human Services

PREFILED RESOLUTIONS – READY FOR ACTION

431-11 Mr. Burrell and Mr. Ward
LOCAL LAW NUMBER 11-2011 – A LOCAL LAW AMENDING LOCAL LAW NUMBER 2-2003 ENTITLED "A SYSTEM OF WEIGHTED VOTING AS AN INTERIM SYSTEM OF REAPPORTIONMENT FOR COUNTY LEGISLATORS IN THE COUNTY OF CATTARAUGUS " BY ADJUSTING THE WEIGHT OF THE VOTES OF LEGISLATORS ON THE BASIS OF THE 2010 FEDERAL DECENNIAL CENSUS
Approved by 7 Finance and 7 County Operations

442-11 Mr. Marsh
SALE OF TAX TITLE PROPERTY
Approved by 7 Finance and 7 County Operations

- 443-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH OLEAN COMMUNITY SCHOOLS FOR AFTER SCHOOL AND SUMMER PROGRAM FOR AT-RISK YOUTH FOR DEPARTMENT OF SOCIAL SERVICES
Approved by 7 Finance and 5 Human Services
- 444-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH HEALTH RESEARCH, INC. FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM
Approved by 7 Finance and 6 Human Services
- 445-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR ADOLESCENT TOBACCO USE PREVENTION ACT ENFORCEMENT PROGRAM **Additional sponsors: Mr. Aiello and Ms. Vickman**
Approved by 7 Finance and 6 Human Services
- 446-11 Mr. Snyder and Mrs. Stockman
AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACT WITH CATTARAUGUS COMMUNITY ACTION, INC. FOR HOME ENERGY ASSISTANCE PROGRAM (HEAP) FUNDS ADMINISTRATION **Additional sponsors Mr. Aiello and Mr. McClune**
Approved by 7 Finance and 6 Human Services
- 447-11 Mr. Vecchiarella
AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH FINGER LAKES PARALEGAL SERVICES FOR MANAGEMENT OF CIVIL FORFEITURES **Additional sponsor: Mr. Neal**
Approved by 7 Finance and 7 Public Safety
- 448-11 Mr. Marsh, Mrs. Stockman, Mr. Teachman and Mr. Hebdon
AUTHORIZING BOARD OF ELECTIONS TO CHARGE BACK 50% OF ALL EXPENSES OF VILLAGE ELECTIONS
Approved by 7 Finance and 6 County Operations
- 449-11 Mr. Burrell, Mr. Ellis, Mr. Marsh, Mr. McClune, Mr. Sprague and Mr. Ward
AMENDING ACTS 768-2008; ACT 769-2008; ACT 770-2008 AND ACT 771-2008 WHICH ESTABLISHED COMPENSATION FOR 2012 FOR CERTAIN NON-BARGAINING UNIT POSITIONS OF EMPLOYMENT **Additional sponsors: Mr. Aiello and Mr. O'Brien**
Approved by 7 Finance, 6 County Operations and 3 Labor Relations
- 452-11 Mr. Aiello, Mr. Burrell, Ms. Edstrom, Mr. Ellis, Mr. Marsh, Mr. McLarney, Mr. Murphy, Mr. Neal, Mr. O'Brien, Mr. Snyder, Mrs. Stockman, Mr. Teachman, Mr. Vecchiarella, Ms. Vickman, Mr. Boser, Mr. Giardini, Mr. Hebdon, Mr. McClune, Mr. Padlo, Mr. Sprague and Mr. Ward
RESOLUTION URGING MULTI-YEAR STATE TAKEOVER OF LOCAL SHARE OF MEDICAID
Approved by 7 Finance, 6 Human Services and 7 Senior Services

**LOCAL LAW NUMBER 11 - 2011
COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW AMENDING LOCAL LAW NUMBER 2-2003 ENTITLED
"A SYSTEM OF WEIGHTED VOTING AS AN
INTERIM SYSTEM OF REAPPORTIONMENT FOR COUNTY LEGISLATORS
IN THE COUNTY OF CATTARAUGUS" BY ADJUSTING THE WEIGHT OF THE VOTES OF LEGISLATORS
ON THE BASIS OF THE 2010 FEDERAL DECENNIAL CENSUS**

Pursuant to Municipal Home Rule Law §10(1)(a)(13)(f)

BE IT ENACTED by the County Legislature of the County of Cattaraugus as follows ("the Legislature"):

SECTION 1. Recitals and Legislative Intent.

a. Local Law Number 2-2003 established a system of weighted voting for the Legislature based on the 2000 federal decennial census.

b. Municipal Home Rule Law §10(1)(a)(13)(f) provides that no local government may restructure its legislative body more than once in each decade; provided however, that such prohibition shall not prevent the periodic adjustment of the weight of the votes of representatives on the basis of current census data where an existing plan distributes the votes of representatives on such a basis.

c. It is the intent of this Local Law to amend Local Law Number 2-2003 by adjusting the weight of the votes of legislators on the basis of the 2010 federal decennial census in the ten presently constituted legislative districts, as established by the Legislature, and approved by the voters of Cattaraugus County, as Local Law Number 6-1992 (Intro Number 7-1992).

d. It is the further intent of this Local Law that it shall become null and void and of no further effect on and after the day on which legislators take office pursuant to the terms of Local Law Intro. Number 6-2011, adopted by the Legislature on July 27, 2011, or any other local law reapportioning the county legislative districts approved by the affirmative vote of a majority of the qualified electors of Cattaraugus County voting thereon after November 1, 2011.

SECTION 2. Weighted Voting System.

2.1 Local Law Number 2-2003 is hereby amended by deleting Section 2 thereof and replacing said section with the following:

WEIGHTED VOTING PLAN

District	Population	Legislators per District	Vote per Legislator
1	3,826	1	1.0003
2	8,419	2	1.1005
3	8,628	2	1.1278
4	3,913	1	1.0230
5	12,590	3	1.0972
6	8,151	2	1.0655
7	7,854	2	1.0267
8	3,704	1	0.9684
9	6,644	2	0.8685
10	16,588	5	0.8673

Population based on 2010 census: 80,317

Ideal population per legislator: 3,825

SECTION 3. Applicability. This local law shall apply to all actions taken by the Legislature on or after the effective date hereof.

SECTION 4. Effect of Other Laws. This local law and the weighted voting plan hereby established shall be null and void and of no further effect on and after the day on which legislators take office pursuant to the terms of a any local law reapportioning the county legislative districts approved by the affirmative vote of a majority of the qualified electors of Cattaraugus County voting thereon after November 1, 2011.

SECTION 5. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. Effective Date. This local law shall take effect forty-five days after its adoption unless, within such forty-five day period after its adoption, a petition protesting against this Local Law, signed and authenticated as required by the Election Law for the signing and authenticating of designation petitions, so far as applicable, by ten per centum of the qualified electors of the County of Cattaraugus of the total number of votes cast for governor at the last gubernatorial election in Cattaraugus County and registered to vote at the last preceding general election, is filed with the Clerk of the Legislature; and in such event, this Local Law shall take effect only after it has been approved by the affirmative vote of the majority of the qualified electors of the Cattaraugus County voting on a proposition for its approval submitted either at the next general election or at a special election provided the petition requests and the Legislature adopts a Local Law submitting such proposition at a special election held not less than sixty days after the adoption of such Local Law providing such special election.