

COUNTY OF ERIE
LOCAL LAW INTRO NO. ____ - 2007
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A **LOCAL LAW** requiring elected public officials serving a countywide constituency, or a portion thereof, in the County of Erie, to resign from office upon being convicted of a misdemeanor or felony.

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, as follows:

Section 1. Legislative Intent

- A. This Legislature hereby finds that the residents of Erie County are entitled to responsible leadership from the representatives they elect to serve them.
- B. This Legislature further finds that elected officials serving in any capacity should lose the ability to create and vote on laws if they themselves have been convicted of a felony or misdemeanor.
- C. This Legislature further finds that an inability, or unwillingness, to perform the duties of an elected official while following the New York Penal Law and related criminal statutes results in a lack of morals and ethics necessary to responsibly legislate on behalf of a constituency.
- D. The Legislature further finds and determines that, any elected official serving a countywide constituency, or a portion thereof, in the County of Erie must resign his or her office immediately following a guilty conviction that relates to a misdemeanor or felony.
- E. Therefore, the purpose of this law is to restore, maintain, and always provide the need for integrity and the maintenance of strong morals in those who are elected to serve the people and,
 - (i) To help promote responsible leadership on behalf of a deserving constituency and,
 - (ii) To help eliminate a culture of corruption that includes ethical and criminal violations in the application of government.

Section 2. Definitions

As used in this law, the following terms shall have the meaning indicated:

- A.) **CONSTITUENCY** – A body of citizens entitled to elect a representative (as to a legislative or executive position)

- (1) The residents in a specific electoral district
 - (2) A group or body that patronizes, supports, or offers representation
- B.) COUNTY – The County of Erie, any agency, office, position, administration, department, division, bureau, board, commission, corporation, public authority or unit of government, the expenses of which are paid in whole or in part by the County of Erie or over which majority control is exercised by officers of the County of Erie or of a County-affiliated agency or their appointees.
- C.) ELECTED - selected by vote for an office, position, or membership
- D.) ETHICS - the discipline dealing with what is good and bad and with moral duty and obligation
 - (1) The principles of conduct governing an individual or a group
- E.) FELONY - a grave crime
 - (1) A grave crime declared to be a felony by the common law or by statute regardless of the punishment actually imposed.
 - (2) A crime declared a felony by statute because of the punishment imposed.
 - (3) A crime for which the punishment in federal law may be death or imprisonment for more than one year.
- F.) INABILITY - The lack of sufficient power, resources, or capacity.
- G.) INTEGRITY - Firm adherence to a code of especially moral or artistic values.
- H.) MISDEMEANOR - A crime less serious than a felony, as determined by a court or person of appropriate jurisdiction to do so.
- I.) OFFICIAL - One who holds, or is invested to, or is elected to an office.
- J.) RESIDENT – Those who reside in a specific area, particularly in Erie County.
- K.) RESPONSIBLE - Ability to answer for one's conduct and obligations.
 - (1) Ability to choose for oneself between right and wrong.
- L.) UNWILLINGNESS – Offering opposition or reluctance.

Section 3. Requirements

- A.) It is hereby required that any elected official, currently serving a constituency in Erie County Government, who is convicted of a misdemeanor or felony resign from office within twenty four (24) hours of receiving a request for resignation from the Clerk of the Legislature. If the Clerk of the Legislature fails to comply with sending a request for resignation, it shall be the responsibility of the elected violator to resign within 72 hours of their conviction.

Section 4. Applicability.

- A.) This law shall apply to the following elected officials in Erie County:
- (i) County Executive
 - (ii) Legislators
 - (iii) Sheriff
 - (iv) District Attorney
 - (v) Comptroller
 - (vi) County Clerk

Section 5. Enforcement; penalties for offenses.

- A.) It shall be the responsibility of the Office of the District Attorney to notify the Legislature in writing if an elected official becomes in violation of this law within 24 hours of the violation. Upon receiving notification, the Clerk of the Legislature will send a letter to the elected violator asking them to immediately tender their resignation.
- B.) The Chairman of the Legislature, upon notice of any conviction of any county elected official, pursuant to Section 3, supra, outside the jurisdiction of the Erie County District Attorney's office, shall be required to formally notify the District Attorney upon receipt of such information.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 or 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 law, or in its application to the person,

individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

SPONSORED BY:

JOHN J. MILLS

MICHEAL H. RANZENHOFER

BARRY A. WEINSTEIN, M.D.