

FEBRUARY 28, 2008, FOLLOWING RECESS, GOVERNMENT AFFAIRS COMMITTEE  
RECONVENED ON MARCH 3, 2008 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 7M-18 (2007)  
**ECMC:** Fact-Finding Report Between County of Erie and AFSCME, Local 1095  
(5-0) Legislator Reynolds absent for vote.
  - b. COMM. 3D-2 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0) Legislator Reynolds absent for vote.
  - c. COMM. 3M-4 (2008)  
**EC BAR ASSOCIATION:** Aid to Indigent Prisoners Society Inc. – Assigned Counsel Program  
(5-0) Legislator Reynolds absent for vote.
  - d. COMM. 3M-6 (2008)  
**OFFICE OF THE STATE COMPTROLLER:** Report Entitled “Estate Management by Public Administrators”  
(5-0) Legislator Reynolds absent for vote.
  - e. COMM. 3M-10 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Minutes of Board of Directors Meeting Held 6/21/07  
(5-0) Legislator Reynolds absent for vote.
  - f. COMM. 3M-12 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Quarterly Report of the Assigned Counsel Program  
(5-0) Legislator Reynolds absent for vote.
  - g. COMM. 4D-1 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0) Legislator Reynolds absent for vote.

- h. COMM. 4M-2 (2008)  
**NFTA:** Copies of 17A and Capital Expenditure Reports for First Quarter of Fiscal Year 2008  
(5-0) Legislator Reynolds absent for vote
  - i. COMM. 4M-7 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Monthly Report and Monthly Activity Report for January 2008  
(5-0) Legislator Reynolds absent for vote
2. INTRO 3-8 (2008) **AS AMENDED**  
**MILLER-WILLIAMS, MARINELLI, MILLS, KOZUB, KONST, IANNELLO AND LOUGHRAN**  
WHEREAS, cultural and heritage tourism not only has the potential to spark an economic revival of a community, it also has in its essence the potential to raise the spirit of a community both in terms of pride and a real hope for the future; and  
  
WHEREAS, the New York State Senate and Assembly are considering Home Rule Bills to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing the Michigan Street African American Heritage Corridor Commission in Buffalo, and providing membership, powers and duties thereof; and  
  
WHEREAS, the Michigan Street corridor has a rich history of African American culture and heritage, and as a community recognized nationally for its unique cultural resources and historically significant architecture it is an ideal setting for such a commission charged with strengthening its future; and  
  
WHEREAS, the Home Rules Bills now before the State Legislature aim to empower stakeholders to establish a commission to “foster the preservation, restoration and adaptive reuse of existing historic properties and landmarks in the area located between Broadway, Eagle, Elm and Nash streets in downtown Buffalo,” according to a Resolution passed by the Buffalo Common Council supporting the passage of the state legislation and creation of the commission; and  
  
WHEREAS, with the successful outcome at the state level, a commission will be established and consist of up to nineteen members appointed to wit; two by the Governor; two by the temporary President of the Senate; two by the Speaker of the Assembly; the Mayor of Buffalo or designee; the President of the Convention and Visitors Bureau or designee; two representatives of the Department of Afro-American Studies, SUNY at Buffalo; one representative from the Monroe Fordham Regional History Center; a representative from each board governing the J. Edward Nash House, the Michigan Street Baptist Church, and the Colored Musicians Club; with all appointees being residents of the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in full support of the successful passage of New York State Senate Bill S-5233 and Assembly Bill A-7845, establishing the Michigan Street African American Heritage Corridor Commission; and be it further

RESOLVED, that with cultural and heritage tourism at the forefront of serious public policy discussion of economic development, community stabilization and revival in the City of Buffalo, that this Legislature further goes on record stating that the Michigan Street corridor is a unique and plausible area for such an initiative; and

RESOLVED, that this Honorable Body supports the overall aim of the commission in fostering preservation, restoration and adaptive reuse of architectural structures and landmarks to both strengthen the community and provide for an economic revival of the corridor, as well lifting the spirit of its residents; and be it

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to New York State Governor Eliot L. Spitzer, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the Western New York Delegation to the State Legislature, City of Buffalo Mayor Byron W. Brown, and to the Members of the Buffalo City Council.  
(5-0) Legislator Reynolds absent for vote

3. INTRO 3-9 (2008)  
**MILLER-WILLIAMS**

WHEREAS, the Buffalo office of the Federal Bureau of Investigation must relocate its headquarters to a building and location that conform to post-9/11 security concerns as well as meet a needed expansion in FBI staff to meet these concerns; and

WHEREAS, the current headquarters is situated in downtown Buffalo proximate to other government agencies, especially the U.S. Attorney's office, federal and state courts and other law enforcement agencies, thereby facilitating joint, collaborative investigations and initiatives; and

WHEREAS, the employees who work in the current FBI headquarters support the downtown Buffalo economy by shopping and dining in the retail and restaurant establishments located in and proximate to the central business district; and

WHEREAS, the loss of hundreds of federal employees from downtown Buffalo would represent a terrible blow to the economic vitality of the central business district; and

WHEREAS, downtown Buffalo is well-positioned to provide a shovel-ready site for the construction of a new FBI headquarters that both enhances the security needs of the agency and maintains its presence near the second busiest international crossing into Canada in a northern binational region, to wit the Peace Bridge, the Rainbow and Whirlpool Bridges, and the Lewiston-Queenston Bridge; and

WHEREAS, both United States Senator Charles Schumer and Congressman Brian Higgins have asked the United States General Services Administration, the landlord for the FBI headquarters, to adhere to an executive order mandating that first consideration be given to a community's central business district; and

WHEREAS, the new, secure federal courthouse project in downtown Buffalo and the relocation of the headquarters of HealthNow (BlueCross BlueShield of Western New York) to downtown Buffalo demonstrate that Buffalo's central business district can accommodate the 21<sup>st</sup> century property and facility needs of both public agencies and private concerns.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record supporting the request of Senator Charles Schumer and Congressman Brian Higgins in calling upon the General Services Administration to give primacy to downtown Buffalo in identifying a site on which to build a new headquarters for the Buffalo office of the Federal Bureau of Investigation; and be it further

RESOLVED, that the Erie County Legislature requests that the City of Buffalo, and all other relevant government entities, do everything in their power to ensure that the General Services Administration on behalf of the Federal Bureau of Investigation finds a suitable site for its new headquarters in downtown Buffalo; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to United States Senator Charles Schumer; United States Congressman Brian Higgins; Mayor Byron Brown; Lurita Alexis Doan, Administrator of the United States General Services Administration; and, Laurie Bennett, Special Agent-in-Charge of the Buffalo office of the Federal Bureau of Investigation, and all other public officials deemed necessary and proper.  
(5-0) Legislator Reynolds absent for vote

4. COMM. 3E-27 (2008)  
**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of William C. Lobbins to the position of Director of Equal Employment Opportunity.  
(5-0) Legislator Reynolds absent for vote

5. COMM. 3E-30 (2008)  
**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Patrick W. Welch to the position of Director of Veterans Services.  
(5-0) Legislator Reynolds absent for vote

6. COMM. 3E-31 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County has embarked upon an aggressive risk management and safety program;  
and

WHEREAS, efficiency grant funds have been secured to contract with Great Lakes Environmental and Safety Consultants to perform a gap analysis of existing safety policies and procedures; and

WHEREAS, the County is also applying for funds from the NYS Occupational Safety and Health-Hazard Abatement Board to provide safety training in accordance of the gap analysis recommendations; and

WHEREAS, the training provided will assist the workforce in identifying, analyzing and mitigating potential hazards in the work area; and

WHEREAS, the support of the Legislature is requested to affirm Erie County's unified commitment to providing a safety training program that will create a safer work environment for the employees of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the effort to secure grant funds from the NYS Occupational Safety and Health-Hazard Abatement Board; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Department of Personnel; the Division of Budget and Management; and the Department of Law.  
(5-0) Legislator Reynolds absent for vote

7. INTRO 4-8 (2008)  
**MARINELLI**

WHEREAS, in order to effectuate a reorganization of the Erie County Legislature 2008 Personal Services Budget, several staffing adjustments are necessary; and

WHEREAS, Legislature authorization is also required to establish a variable minimum for the year 2008 for Legislative District Office personnel in order to maintain a fair and consistent salary policy related to District Office employee turnover, in accordance with Erie County Personnel Policy, and to account for the omission of such authorization as a Budget Resolution within the 2008 Adopted Erie County Budget; and

WHEREAS, both the Legislature staff reorganization and District Office salary authorization will have no additional personal services costs, and will be implemented while keeping within the Legislature's adopted appropriation for 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby delete one (1) full-time position of CHIEF OF STAFF – LEGISLATURE (Position No. 51002776), Cost Center 1003030, effective February 28, 2008; and be it further

RESOLVED, that this Legislative Body further deletes one (1) full-time position of SENIOR ADMIN. CLERK – LEGISLATURE (Position No. 51003058), Cost Center 1003030, effective March 25, 2008; and be it further

RESOLVED, that authorization is hereby granted to create one (1) full-time position of SENIOR POLICY ANALYST, JG 14, to Cost Center 1003030, and one (1) full-time position of LEGISLATIVE ASSISTANT, JG 10, to Cost Center 1004040, effective February 28, 2008; and be it further

RESOLVED, that authorization is hereby granted to create one (1) full-time position of ADMIN. CLERK - LEGISLATURE, JG 7, to Cost Center 1003030, and one (1) regular part-time position of SENIOR CLERK TYPIST (LEGISLATURE) RPT, JG 4, to Cost Center 1003030, effective March 25, 2008; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum step 4 for the position of ADMIN. CLERK (LEGISLATURE), ADMIN. CLERK LEGISLATURE (RPT), and ADMIN. CLERK LEGISLATURE (PT), Cost Center 1005017 –District Office Staff, for the year 2008, in accordance with the 2008 Adopted Erie County Budget and Erie County Personnel Policy; effective January 1, 2008; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Personnel; the Director of the Division of Budget, Management & Finance; and the Executive Director of the Erie County Fiscal Stability Authority.  
(3-2) Legislators Whyte and Kozub in the negative. Legislator Reynolds absent for vote

8. COMM. 4E-5 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the 2008 Erie County Budget stipulated that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive; and

WHEREAS, the Administration has experienced tremendous difficulty recruiting a qualified candidate to serve as the County Attorney because the current salary is not competitive with what private sector employers are paying; and

WHEREAS, the University at Buffalo's (UB) Career Services Office indicates that UB Law Students that graduated in 2006, working for larger firms, are earning a medium salary of \$145,000; and

WHEREAS, these graduates are far less experienced than the pool of candidates being recruited by the Administration to serve as the next County Attorney; and

WHEREAS, two candidates recruited by the Administration have respectfully declined our offer to serve as the County Attorney because the salary did not meet their expectations; and

WHEREAS, the County Attorney represents and advises both the County Legislature and the Administration; and

WHEREAS, Erie County is a major entity with a \$1.4 billion budget that funds and supports thousands of employees, numerous departments and functions, thousands of assets, and serves nearly one million residents; and

WHEREAS, it is critical that an entity of this size has the most qualified and experienced Attorney to represent it and advise it.

NOW, THEREFORE, BE IT

RESOLVED, that the salary for the position of County Attorney is hereby authorized to increase to Step 5 for the title of County Attorney in Job Group 21; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the Commissioner of Personnel  
(3-2) Legislators Whyte and Kozub in the negative. Legislator Reynolds absent for vote

**BARBARA MILLER-WILLIAMS**  
**CHAIR**