

JULY 11, 2005

GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 19E-62 (2004)  
**COUNTY EXECUTIVE:** DISS - Professional Services - Computer Consulting Services of WNY  
(4-1) Legislator Chase in the negative.
  - b. COMM. 23E-22 (2004)  
**COUNTY EXECUTIVE:** DISS - Installation Services - WNY Computing Systems  
(4-1) Legislator Chase in the negative.
  - c. INTRO 1-2 (2005)  
**MARINELLI & DEBENEDETTI:** 2005 Reform Agendas: Reinventing Erie County's Financial Oversight and Review Mechanisms  
(5-0)
  - d. INTRO 1-3 (2005)  
**HOLT:** 2005 County Budget and Procedure Reforms  
(5-0)
  - e. INTRO 2-7 (2005)  
**RANZENHOFER, MINORITY CAUCUS:** Financial Accountability and Oversight  
(5-0)
  - f. INTRO 12-3 (2005)  
**WEINSTEIN:** Multiple County Services  
(5-0)
  - g. INTRO 13-1 (2005)  
**WEINSTEIN:** Changes To The 2004 and 2005 Rules of Order  
(5-0)
  - h. COMM. 14E-23 (2005)  
**COUNTY EXECUTIVE:** DISS - SAP Plant Maintenance Implementation & Support For DPW, Parks, Fleet Division & Sewerage Management

(4-1) Legislator Chase in the negative.

- i. COMM. 16E-5 (2005)  
**COMPTROLLER:** DISS - Fleet Services - Review of Payment & Dispensing of County Vehicle Fuel - 9/1/03 - 9/31/04  
(5-0)
- j. INTRO 18-1 (2005)  
**RANZENHOFER:** Filling A Vacancy In The Office of the Comptroller  
(5-0)
- k. COMM. 19E-3 (2005)  
**MARINELLI:** Request For Certified Copies of the 2005 Erie County Budget  
(5-0)
- l. COMM. 19D-1 (2005)  
**COUNTY ATTORNEY:** Notification of Lawsuit - Mohr & Ward v. John Greenan, Et Al  
(5-0)
- m. COMM. 19D-4 (2005)  
**DISS:** DISS Fleet Services Audit for Period 9/1/03 - 8/31/04  
(5-0)
- n. COMM. 19D-6 (2005)  
**COUNTY ATTORNEY:** Mohr et al. v. Greenan et al  
(5-0)
- o. COMM. 19M-5 (2005)  
**NYS SUPREME COURT:** Subpoena Duces Tecum - Mohr, et al vs. Greenan, et al  
(5-0)
2. COMM. 12E-47 **AS AMENDED**  
**COUNTY EXECUTIVE**  
WHEREAS, it is in the best interest of the County to properly prepare real property tax bills in order to avoid delays in collections for the County, Towns, Villages and School Districts, and  
  
WHEREAS, it is essential that the Division of Real Property Tax Services be properly staffed in order to carry out this function  
  
NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to add 1 position of Data Tax Clerk (JG9), estimated salary to year end \$25,440, 1 position of Data Processing Control Clerk (JG5), estimated salary to year end \$17,680, and 1 Part Time Senior System Coordinator/Real Property Systems (JG14), estimated salary to year end \$13,600, and be it further

RESOLVED, that the following Budget transfers are hereby authorized to implement this request,

<b>County Wide Accounts Monitored by Budget</b>			
<b>Fund Center</b>	<b>Account</b>		<b>Decrease</b>
14010	40010	Exemption Removal	\$71,690
<b>Division of Budget, Management and Finance</b>			<b>Increase</b>
10210	500000	Personal Services	\$43,120
10210	500010	Part Time Salaries	13,600
10210	502000	Fringe Benefits	<u>14,970</u>
			Total \$71,690
			Net Change \$0

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Department of Personnel, and the County Executive.  
(5-0)

3. COMM. 14E-26 **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Information and Support Services – Bureau of Fleet Services as presently staffed at the present time is unable to properly provide the level of support necessary to maintain a County fleet, and

WHEREAS, the Erie County Division of Information and Support Services is requesting the creation one Supervising Mechanic Job Group 8 Step A, and

WHEREAS, adjustments to the 2005 Erie County Budget set forth in the attachment to this document do not increase or decrease the operational expense of the Division of Information and Support Services – Bureau of Fleet Services;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Information and Support Services is authorized to create one Supervising Mechanic Job Group 8 Step A, and be it further

RESOLVED, that authorization is hereby provided to make the following adjustments in the 2005 Budget for the Division of Information and Support Services to commence July 18, 2005, to be prorated for the remainder of the year and reported to the Legislature:

Bureau of Fleet Services – 10710	Increase/(Decrease)
500000 – Full Time Salaries	25,000
501000 – Overtime	5,000
502000 – Fringe Benefits	9,285
505200 – Clothing Supplies	( 2,150)
506400 – Highway Supplies	( 400)
510000 – Local Mileage Reimbursement	( 400)
510100 – Out of Area Travel	( 1,500)
510200 – Training and Education	( 1,000)
515000 – Utility Charges	(32,385)
516020 – Professional Services Contract and Fees	( 450)
530000 – Other Expenses	( 1,000)

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Information and Support Services, the Department of Personnel, the Division of Budget, Management and Finance and to the Office of the Comptroller.  
(5-0)

4. INTRO 19-2 **AS AMENDED**  
**MARINELLI**

WHEREAS, the district office of Legislator Lynn M. Marinelli is staffed by a long-time County employee who is retiring on July 29, 2005, and

WHEREAS, under the terms of Intro. 15-9, adopted on June 14, 2005, when a position in County government becomes vacant, the position is automatically deleted and legislative authorization is necessary for any position in any office in County government to be recreated or filled, and

WHEREAS, in order to continue providing services to constituents, it is necessary to make a staffing adjustment due to the retirement of the staffer,

NOW, THEREFORE, BE IT

RESOLVED, that upon the effective refill date, the position of Senior Secretarial Assist Leg Dist Of (JG 6, Step 4) is established in the Legislature for the office of Legislator Marinelli, and be it further

RESOLVED, that the Commissioner of Personnel is directed to prepare and effectuate the necessary paperwork for this personnel action, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Personnel Commissioner, Budget Director, and Comptroller.  
(5-0)

5. INTRO 19-3 **AS AMENDED**  
**MARINELLI**

WHEREAS, during the budget reductions and actions taken by the Erie County Legislature in February and March 2005, the Legislature adopted legislation to establish and impose an immediate hiring freeze in Erie County Government, and

WHEREAS, on February 14, 2005, in Comm. 4E-23, the Legislature specifically forbade any rehires, new hires, or filling of vacancies without prior approval of the Legislature, with the document stating: “effective immediately, there shall be no hiring, filling of vacancies, or double filling of positions without prior approval of the Legislature,” and

WHEREAS, on March 3-4, 2005, in Comm. 7D-1, the Legislature again, affirmed the hiring freeze and prohibition on filling vacancies, adding that “the Commissioner of Personnel is directed to notify the Legislature within forty-eight hours of any position filled on an emergency, temporary, or provisional basis and the employment of the individual selected to fill such position shall not continue beyond thirty days without the formal approval of the Legislature,” and

WHEREAS, on June 14, 2005, in Intro. 15-9 (as amended), a resolution was adopted, unanimously, and with all fifteen legislators co-sponsoring, stating that “effective immediately, any positions in the Erie County government that become vacant due to resignation, layoff, termination, retirement or death, shall be immediately and permanently deleted from the County budget,” and

WHEREAS, that resolution also stated that “effective immediately, every current vacant position in Erie County government is deleted immediately,” and

WHEREAS, it has come to the attention of the Legislature that many persons have been hired in the Erie County Government workforce since March 4th and prior to June 14th including a number of persons rehired into the workforce who had been laid-off in March 2005, and

WHEREAS, these hires and rehires, almost all of which were not reported to the Legislature until after the fact and were not done according to the provisions in Comm. 4E-23 and 7D-1, are in fact, illegal hires and illegal actions and directly violate duly-adopted legislative resolutions,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby note the blatant and flagrant violation of the law by the County Administration in violating duly adopted legislative resolutions concerning personnel actions, and be it further

RESOLVED, that the Erie County Legislature signals its intention to delete the positions of persons illegally rehired since March 4th without the required legislative approval, and be it further

RESOLVED, that this Honorable Body does call on the Chairman of the Legislature, pursuant to his authority under the Legislature Rules of Order, to establish an ad hoc Personnel Committee in the Legislature, which will review and take appropriate action on all requests from the County Administration or Countywide elected officials for personnel actions, such as new hires, rehires, filling of vacancies, and so forth, and be it further

RESOLVED, that the Commissioner of Personnel is directed to attend a future meeting of either the Government Affairs Committee or the new Personnel ad hoc Committee to discuss and answer questions concerning these rehires and the violation of the February 14th and March 4th legislative resolutions, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, Comptroller, District Attorney, County Clerk, Sheriff, and Budget Director.

RESOLVED, as a result of the 2005 Budget crisis, the Erie County Legislature wishes to have a stronger oversight role in county hiring practices, and be it further

RESOLVED, that prior to the Legislature’s approval of the creation of any positions within County Government, the appointing authority must submit to the Erie County Legislature the attached Job Creation Summary Report Form with the request from the County Executive seeking such positions, and be it further

RESOLVED, that any resolution asking for the creation of a position must be accompanied by a certification from the Division of Budget, Management and Finance that necessary funds exist to pay for said position, and be it further

RESOLVED, that within 15 days of the closing of each month, the County Administration is required to submit to the Legislature a report detailing the department, job title, and name of any individual hired by the county, and be it further

RESOLVED, that the County Administration is required, within 7 calendar days of the passage of this resolution, to produce a report detailing what positions were filled between the passage of Communication 4E-23 on February 14, 2005 and Resolution 15-9 on June 15, 2005, and be it further

RESOLVED, that within 15 calendar days of the passage of this resolution, the Giambra Administration is required to give a detailed written justification for the filling of each vacant position between February 14, 2005 and June 15, 2005, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Sheriff, District Attorney, County Comptroller, County Clerk and the Commissioner of Personnel for distribution of this form and fulfillment of its requirements.  
(5-0)

6. COMM. 19E-7 **AS AMENDED**  
**DISTRICT ATTORNEY**

WHEREAS, on June 14, 2005 the Erie County Legislature approved Intro 15-9 which eliminated all current and future vacancies, and

WHEREAS, an adequate staff level must be maintained in the District Attorney's Office in order to successfully prosecute the high volume of cases within Erie County, and

WHEREAS, the Erie County Legislature approved the District Attorney's personnel budget for 2005 for both the general and grant funds.

NOW, THEREFORE, BE IT

RESOLVED, that the following position which was vacant as of June 14, 2005, and which is 100% state grant-funded is restored to the budget of the Erie County District Attorney:

Position # 2347 Deputy DA-Capital Punishment

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, Erie County Executive, Erie County Comptroller, Director of Budget, Management and Finance and the Department of Personnel.

**LYNN M. MARINELLI**  
**CHAIRPERSON**