

May 16, 2002

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

a. Item Page -2002 (Comm. 10D-1)
COUNTY ATTORNEY: Notice of Claims.
(5-0)

b. Item Page -2002 (Comm. 10D-2)
COUNTY ATTORNEY: Notice of Claims.
(5-0)

2. Item Page -2002 (Comm. 9E-46)
COUNTY EXECUTIVE

WHEREAS, the Erie County Personnel Department's Interne Personnel Specialist requires specialized training and experience which is difficult to obtain or unavailable outside of County service, and

WHEREAS, the Personnel Department currently employs a trained and experienced individual in this position, who previously worked in this job and had reached Step IV and,

WHEREAS, the Personnel Department wishes to compensate him at the appropriate level of pay and,

WHEREAS, if the Personnel Department was unable to retain this individual it would impede our ability to schedule and process Civil Service examinations on a timely basis, and

NOW, THEREFORE, BE IT

RESOLVED, that effective April 18, 2002, the Personnel Department may establish a variable minimum hiring rate for the position Interne Personnel Specialist at a Job Group IX, Step 4 (\$40,015), and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Personnel.
(5-0)

3. Item Page -2002 (Intro. 9-4)
SWANICK

WHEREAS, the Erie County Legislature adopts Rules of Order on an annual basis, and

WHEREAS, many rules have not changed in several years, and

WHEREAS, one such rule is Rule 24, which covers votes to abstain on the part of Legislators in committee meetings and legislative sessions, and

WHEREAS, said rule currently reads as follows:

RULE 24: ABSTENTIONS

“Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairman must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Local Law No. 7 - 1973, as amended, constituting the Erie County Code of Ethics, Section 2, Subsection c thereof. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chairman shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.”

And

WHEREAS, this rule makes reference to Erie County Local Law No. 7 – 1973, as amended, which, at the time, constituted the Erie County Code of Ethics, and

WHEREAS, Erie County Local Law No. 7 – 1973 was repealed through passage of a revised code of ethics in 1989, Erie County Local Law No. 10 – 1989, which is the currently constituted Erie County Code of Ethics, and

WHEREAS, inasmuch as the 1973 statute has been strengthened by the 1989 statute, it is altogether fitting and proper for the Legislature to amend its rules to reflect that change,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby amend the Erie County Legislature’s Rules of Order for 2002 as follows:

DELETE RULE 24 IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:

RULE 24: ABSTENTIONS

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chairman must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with [Local Law No. 7 - 1973, as amended, constituting the Erie County Code of Ethics, Section 2, Subsection c thereof] **Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics.** If a member wrongfully attempts to avoid

casting his or her vote, abstain, or otherwise refuses to vote, the Chairman shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

Material in [brackets] is deleted text.

Material in **bold and underline** is new text.

And be it further

RESOLVED, that the Chairman of the Legislature shall cause to have published in the proceedings of the Legislature this amended rule and shall cause to have new copies of the Rules of Order for the Erie County Legislature for 2002 printed reflecting such change.

Fiscal Impact: None.

(5-0)

4. Item Page -2002 (Comm. 10E-10)

COUNTY EXECUTIVE

WHEREAS, over the past several years concerns have arisen on the use of laborer class employees on sewer system work in the Erie County Sewer Districts, with such work frequently involving tasks in dangerous conditions for which considerable skills are required, and the laborer classification is considered inadequate to provide the level of training and skills development necessary to safely and efficiently perform the duties associated with the work required; and

WHEREAS, the Sewer District Boards of Managers have requested fifteen (15) budgeted laborer positions be changed from a Job Group 3 to a Job Group 4 under a new title of Junior Maintenance Worker - Sewerage; and

WHEREAS, the proposed Junior Maintenance Worker - Sewerage title will allow the Districts to better develop a cadre of semi-skilled maintenance personnel whose training and skills development exceed those characteristic of the laborer class; and

WHEREAS, the Sewer Boards of Managers have approved the proposed changes and have all agreed to funding for the change in grade, the cost of which will come from sewer funds of the County Sewer Districts and the Southtowns Sewage Treatment Agency and will not affect the County General Fund at an annual cost of approximately \$30,000.00 based on the 2002 salary scale.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Personnel and the Director of Budget and Management be authorized and directed to implement the changes; and be it further;

RESOLVED, that fifteen (15) of the budgeted laborer positions in the Erie County Sewer Districts be changed from a Job Group 3 to a Job Group 4 under a new title of Junior Maintenance Worker - Sewerage; and be it further

RESOLVED, in order to effectuate the above changes in Fiscal Year 2002 the following amounts be transferred:

The amount of \$3,102.00 from Fund Balance, Fund 220, Project 851, Dept. 810, Account 299 to Use of Fund Balance, Fund 220, Project 851, Dept. 810, 6980105 to Fund 220 851 810 800, Personnel Services;

The amount of \$745.00 from Fund Balance, Fund 220, Project 851, Dept. 810, Account 299 to Use of Fund Balance, Fund 220, Project 851, Dept. 810, 6980105 to Fund 220 851 810 805, Fringe Benefits;

The amount of \$4,038.00 from Fund Balance, Fund 220, Project 852, Dept. 820, Account 299 to Use of Fund Balance, Fund 220, Project 852, Dept. 820, 6980105 to Fund 220 852 820 805, Personnel Services;

The amount of \$969.00 from Fund Balance, Fund 220, Project 852, Dept. 820, Account 299 to Use of Fund Balance, Fund 220, Project 852, Dept. 820, 6980105 to Fund 220 852 820 805, Fringe Benefits;

The amount of \$5,298.00 from Fund Balance, Fund 220, Project 853, Dept. 830, Account 299 to Use of Fund Balance, Fund 220, Project 853, Dept. 830, 6980105 to Fund 220 853 830 800, Personnel Services;

The amount of \$1,272.00 from Fund Balance, Fund 220, Project 853, Dept. 830, Account 299 to Use of Fund Balance, Fund 220, Project 853, Dept. 830, 6980105 to Fund 220 853 830 805, Fringe Benefits;

The amount of \$4,704.00 from Fund Balance, Fund 220, Project 854, Dept. 840, Account 299 to Use of Fund Balance, Fund 220, Project 854, Dept. 840, 6980105 to Fund 220 854 840 800, Personnel Services;

The amount of \$1,129.00 from Fund Balance, Fund 220, Project 854, Dept. 840, Account 299 to Use of Fund Balance, Fund 220, Project 854, Dept. 840, 6980105 to Fund 220 854 840 805, Fringe Benefits;

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director of Budget and Management, and Leonard Lenihan, Commissioner of Personnel.

(5-0)

5. Item Page -2002 (Comm. 10E-11)

COUNTY EXECUTIVE

WHEREAS, over the past several years ECSD Nos. 1-4-5 have experienced turnover and difficulty in recruiting clerical staff; and

WHEREAS, the Sewer Districts have requested one of the two clerical positions be upgraded from Account Clerk-Typist to Senior Account Clerk; and

WHEREAS, there will be no need for additional funding in 2002 since the existing position has been vacant for all of this year at a savings of \$7,256 for salary and fringe benefits. Any additional costs in future years will be offset by increased efficiency due to better stability in the office staff; and

WHEREAS, the Sewer Board of Managers has approved the proposed changes and have agreed to funding for the change in grade, the cost of which will come from current budgeted sewer funds of Erie County Sewer District Nos. 1-4-5 and will not affect the County General Fund at an annual cost increase of approximately \$4,130.16 for salary and fringe benefits.

NOW, THEREFORE, BE IT

RESOLVED, that one Account Clerk-Typist (JG 4) position in Erie County Sewer District Nos. 1-4-5 be deleted and one Senior Account Clerk (JG 6) position be created; and be it further

RESOLVED, that the Department of Personnel and the Director of Budget and Management be authorized and directed to implement the changes; and be it further;

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director of Budget and Management, and Leonard Lenihan, Commissioner of Personnel.

(5-0)

STEVEN P. McCARVILLE
CHAIRMAN