

September 12, 2002

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is received and filed.

	Item	Page	-2002	(Comm. 16D-7)
a.	COUNTY ATTORNEY:	Notice of Claims.		
	(5-0)			

2.

	Item	Page	-2002	(Comm. 16E-21)
	COUNTY EXECUTIVE			

WHEREAS, the County, through the Enterprise Resource Planning (ERP) project will be upgrading its financial and human resource software to enhance the efficiency and effectiveness of county government, and

WHEREAS, the Human Resource/Payroll component of the software is one of the most vital and complex systems to install, and

WHEREAS, the Personnel Department representative on the ERP Project Team is Mr. William Burke, who has over 30 years of HR/payroll experience, and

WHEREAS, Mr. Burke has decided to retire from full-time County service, and

WHEREAS, it is deemed essential that Mr. Burke stay with the ERP project to assure the successful implementation of the Payroll system,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to add the position of Chief Payroll Supervisor RPT, Job Group 15, to the budget of the ERP capital project under the direction of the Director of Information and Support Services, and be it further

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

3.

	Item	Page	-2002	(Comm. 16E-22)
	COUNTY EXECUTIVE			

WHEREAS, the Legal Aid Bureau of Buffalo Inc., has a 2001 general fund surplus of \$4,576.87, and

WHEREAS, the County contract with said agency allows for retention of any operating surplus in the next fiscal year, subject to approval of the Legislature, and

WHEREAS, the Legal Aid Bureau will utilize these funds for the Indigent Defense Program,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Legal Aid Bureau of Buffalo Inc., to retain their 2001 general fund surplus of \$4,576.87 for 2002 operational needs in the Indigent Defense Program, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the County Attorney's Office.

(5-0)

4. Item Page -2002 (Comm. 16E-24)

COUNTY EXECUTIVE

WHEREAS, Upstate Cellular Network, d/b/a Verizon Wireless ("Verizon") desires to sublease a portion of the complex known as Ralph Wilson Stadium ("Stadium Complex") from Buffalo Bills, Inc. for the purpose of erecting and operating a cellular tower and ancillary equipment ("Cell Tower"); and

WHEREAS, the purpose of erecting the Cell Tower is to enhance telecommunications within the Stadium Complex; and

WHEREAS, the Cell Tower will take the shape of an actual flag pole which will blend in with the existing structures and have no impact on pedestrian traffic; and

WHEREAS, Section 16.1 of the Master Stadium Lease between the County and Buffalo Bills, Inc. provides that Buffalo Bills, Inc. will not sublease the whole or any part of the Stadium Complex without the prior written consent of the County; and

WHEREAS, should the Master Stadium Lease expire or be terminated, the sublease between Buffalo Bills, Inc. and Verizon ("Sublease") shall also be terminated; and

WHEREAS, the proposed Sublease provides that, upon its termination, Buffalo Bills, Inc. and the County may require Verizon to remove the Cell Tower at its sole expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby consents to the Sublease between Buffalo Bills, Inc. and Verizon for the purpose of erecting and operating a Cell Tower on the Stadium Complex; and be it further

RESOLVED, that the County Executive is hereby authorized to forward to Buffalo Bills, Inc. correspondence evidencing the County's consent to the Sublease; and be it further

RESOLVED, that the County Attorney shall review and approve of the form of the Sublease; and be it further

RESOLVED, that the Commissioner of Public Works shall have the right to inspect and approve of the engineering drawings and the construction of the Cell Tower; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, County Attorney, Commissioner of Public Works, Director of Budget, Management and Finance, and the Comptroller.

(5-0)

5. Item Page -2002 (Comm. 16E-27)

COUNTY EXECUTIVE

WHEREAS, the County of Erie and the CSEA, Erie Unit Local 815, have an agreement covering the working conditions, including wages and fringe benefits, for certain employees of the County of Erie for a period of January 1, 2000 through December 31 2003; and

WHEREAS, the County of Erie and the CSEA, Erie Unit Local 815 negotiated an agreement which addressed Paternity Leave (§22.15) and Maternity Leave (§22.2, note a typographical error in the printing has entitled this section Military Leave), and

WHEREAS, a complaint was filed alleging discrimination because of certain alleged inconsistencies between Maternity and Paternity Leave in the negotiated Collective Bargaining Agreement, and

WHEREAS, the County of Erie and the CSEA have negotiated a mutually beneficial modification to the Collective Bargaining Agreement as described herein, and

WHEREAS, said negotiated mutually beneficial modification is made without any admission of wrongdoing or liability whatsoever and simply to avoid further costs and expenses related to litigation,

NOW, THEREFORE, BE IT

RESOLVED, that the current Collective Bargaining Agreement by and between the County of Erie and the CSEA, Erie Unit Local 815 be modified as follows:

- 1) Article XXII, Section 22.2(d) be hereby deleted in its entirety.
- 2) The last paragraph found in Article XXII, Section 22.3 on page 26 of the Collective Bargaining Agreement be deleted in its entirety.
- 3) Article XXII, Section 22.15, titled "Paternity Leave" is deleted in its entirety and is replaced with the following provision:

Section 22.15 Child Rearing Leave

A continuous leave of absence without pay by reason of the birth of a child within the first year of said child's birth shall be granted to an employee for a period of up to six (6) months. Paid leave will be substituted for the unpaid leave at the employee's or Erie County's option, where permitted by federal statute, or other provisions of this collective bargaining agreement and Erie County policy. Such Leave requests must be presented in writing to the department head at least thirty (30) calendar days in advance of the commencement of the leave. If an employee fails to give thirty (30) days notice with no reasonable excuse for the delay, the County may delay the taking of the requested leave until at least thirty (30) calendar days after the date the employee submits his or her request.

An employee on child rearing leave will notify the department head of his or her intention to return to work at least thirty (30) calendar days prior to the expiration of the leave of absence.

An employee returning to work after a child rearing leave shall return to the same position in the same department the employee left, if available, and shall be returned to the same step the employee occupied when the leave commenced.

and be it further

RESOLVED, that the County Executive be authorized to enact said modification; and be it further

RESOLVED, that said modification be implemented immediately upon the County Executive's enactment, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Labor Relations; the Division of Budget, Finance and Management; the Personnel Department; the Office of the Comptroller and the Office of the Sheriff.

(5-0)

6. Item Page -2002 (Comm. 16E-58)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Personnel is in need of a Manager of Workers Compensation; and

WHEREAS, the creation of this position will be cost effective by reducing the cost of Workers Compensation county-wide; and

WHEREAS, the newly created Manager of Workers Compensation will be hired with a variable minimum of Step 2 being required in order to retain a qualified and experienced candidate, and

WHEREAS, funds are available in the Personnel Department's 2002 Personnel Services Account

NOW, THEREFORE, BE IT

RESOLVED, that effective immediately, the position of Manager of Workers Compensation, Job Group 15, Step 2, is hereby created within the Personnel Department; and be it further

RESOLVED, that a variable minimum for the position of Manager of Workers Compensation, Job Group 15, Step 2, is hereby authorized and be it further

RESOLVED, that funds to pay the salary of \$62,340 annually are available in the Personnel Department's 2002 Personnel Services account; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Personnel, the Division of Budget, Management and Finance, and the County Comptroller.

(5-0)

AS AMENDED

7. Item Page -2002 (Intro. 16-8)

**SCHROEDER, McCARVILLE, CHASE, CUSACK, SWANICK,
MARINELLI, KUWIK & FISHER**

WHEREAS, Erie County Legislature is both philosophically and legislatively mandated to "hear from, and speak to" its constituents, and

WHEREAS, the majority of Erie County's citizens have the capability to interact with the their elected legislative body at their discretion, and

WHEREAS, Erie County has over 3,000 persons who live in and work in this county who are hearing impaired and need an interpreter to communicate with hearing and speaking persons, and

WHEREAS, The Erie County Legislature conducts a number of public forums where the public is requested to attend and participate, and

WHEREAS, many people who are deaf could fully participate in the Erie County's governmental process if these public forums would provide sign language interpreters as a matter of course and not as a special accommodation, and

WHEREAS, sign language interpreters can be retained, with notice, at a cost of approximately \$100.00 per hour; given the relatively small number of public hearings and forums sponsored by the Legislature each year, the cost of providing such service is not exorbitant, and

WHEREAS, Erie County, through its Office for the Disabled, plays a role in ensuring that all persons with disabilities are given fair and equal access to all aspects of Erie County government,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the need to provide all of its citizens equal access to public hearings and forums, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to provide such access to hearing impaired persons, and be it further

RESOLVED, The Erie County Legislature will provide a funding source in the 2003 budget to cover all costs involved for this service, and be it further

RESOLVED, that this Honorable Body does hereby endorse the establishment of a line item in the Legislature's 2003 budget specific to retaining sign language interpreters for public hearings and forums of the Erie County Legislature, and be it further

RESOLVED, that the Clerk of the Legislature be and hereby is requested to ensure that the following persons or agencies listed below, as representatives of the hearing impaired community in Buffalo and Erie County, receive US mail or facsimile notice of all scheduled public hearings and forums of the Legislature:

Administration
 St. Mary's School for the Deaf
 2253 Main St., Buffalo, NY 14214
 phone – (716) 834-7200; fax – (716) 834-2720

Donna Poore, Executive Director
 Deaf Adult Services

2495 Main St., Buffalo, NY 14214
phone – (716) 833-1637; fax – (716) 833-7480

Todd Vaarwerk, Disability Rights Advocate
Independent Living Center of WNY
3108 Main St., Buffalo, NY 14214
phone – (716) 836-0822; fax – (716) 835-3967

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Health, the Director of the Office for the Disabled, and to the individuals and agencies listed in the previous RESOLVE clause.

Fiscal Impact: Minimal.
(5-0)

STEVEN P. McCARVILLE
CHAIRMAN