

January 16, 2014

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-4 (2013)
DIXON, RATH, LORIGO, HARDWICK & MILLS: “Letter to Chair of Government Affairs Committee Concerning Lawsuit Against the Federal National Mortgage Association & the Federal Home Loan Mortgage Corporation”
(5-0)
 - b. INTRO. 10-4 (2013)
RATH, HARDWICK & LORIGO: “Opposing Repeal of Election Law §6-120”
(5-0)
 - c. COMM. 10M-5 (2013)
PAUL WOLF: “Copy of Article Titled “Where are the New Ideas in Erie County Government””
(5-0)
 - d. COMM. 12M-13 (2013)
NYS PUBLIC SERVICE COMMISSION: “Minutes from Meeting Held 6/13/2013”
(5-0)
 - e. COMM. 13D-1 (2013)
COMPTROLLER’S OFFICE: “Audit of Fleet Services”
(5-0)
 - f. INTRO. 16-3 (2013)
HARDWICK: “Conducting Evening Legislative Sessions”
(5-0)
 - g. COMM. 16E-4 (2013)
COMPTROLLER: “Memorandum: Dissemination of Employment & Career Opportunities with EC & Affiliated Entities”
(5-0)

- h. COMM. 23E-32 (2013)
COUNTY EXECUTIVE: “Reappointment of Member of EC Board of Ethics”
(5-0)
 - i. COMM. 23D-4 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - j. COMM. 24M-2 (2013)
BOARD OF JURORS: “Minutes from the Board of Jurors Meeting”
(5-0)
 - k. COMM. 1D-5 (2014)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
2. INTRO. 9-6 (2013)
HARDWICK & RATH
WHEREAS, unlike some states, New York State does not allow the opportunity for recall elections when a substantial number of voters feel that their representative is unable to perform his or her duties; and

WHEREAS, permitting recall elections would serve as an incentive to elected officials to be more receptive and responsive to their constituents; and

WHEREAS, permitting recall elections would serve as a disincentive to elected officials to behave unethically or illegally; and

WHEREAS, New York State Assembly Bill 5392 and Senate Bill 2214 seek to create the opportunity to recall an elected official upon presenting a petition signed by a number of constituents equal to twenty percent of the total votes cast in that official’s election; and

WHEREAS, before becoming law, the New York State Constitution must be amended to permit a recall; and

WHEREAS, as such, the New York State Senate and Assembly must approve resolutions supporting the Constitutional amendment at two consecutive sessions, followed by the amendment being voted on as a public referendum; and

WHEREAS, passing New York State Assembly Bill 5392 and Senate Bill 2214 are the first steps in the process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Assembly Bill 5392 and Senate Bill 2214, the first step in creating a Constitutional vehicle to permit a recall election; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.
(5-0)

3. INTRO. 12-5 (2013)

MILLS, RATH, LORIGO, HARDWICK & DIXON

WHEREAS, there are several proposed laws in the New York State Assembly and Senate that purport to institute campaign finance reform; and

WHEREAS, one of the omnibus bills receiving considerable attention, which has no companion bill in the Assembly, is Senate Bill 4009; and

WHEREAS, that bill includes a provision creating a system of public financing of political campaigns, amounting to six dollars of taxpayer funds going to a candidate for every dollar that the candidate raises privately; and

WHEREAS, using taxpayer dollars to fund political aspirations should not be a priority during difficult economic times, or any time for that matter; and

WHEREAS, forcing taxpayers to fund political campaigns without an easy way, or any way, to opt out of the program is an improper imposition of costs on taxpayers; and

WHEREAS, due to the nature of the matching system, an individual who does not wish to fund any candidate would be encouraged to financially participate to support a candidate so that their tax dollars would be used to match their preferred candidate's donations more than a candidate whose views the individual does not support; and

WHEREAS, creating a system which forces a taxpayer to financially support a candidate whose views are in opposition to the taxpayer is an interesting twist on the old adage "taxation without representation;" and

WHEREAS, forcing and encouraging taxpayers to participate financially in a campaign does nothing to change the behavior of those who seek to unethically abuse elected office; and

WHEREAS, combining taxpayer funding of political campaigns with certain proposed donation limits serves to protect incumbents and limit challenger candidates to individuals supported by established political machines; and

WHEREAS, forcing taxpayers to fund candidates whose views they oppose, protecting incumbents and limiting challenger candidates to those beholden to political bosses is not genuine campaign finance reform.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes any proposal which includes involuntary taxpayer funding of political campaigns; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.
(5-0)

4. COMM. 23E-19 (2013)
COUNTY EXECUTIVE

WHEREAS, since 1953, political subdivisions in New York State, including Erie County, have used New York State Office of General Services (NYS OGS) contracts to purchase materials, equipment, supplies and services; and

WHEREAS, since the NYS OGS contract was established through a competitive bidding process, it met the competitive bidding requirements of General Municipal Law; and

WHEREAS, recent changes to NYS General Municipal Law authorizes political subdivisions, including Erie County, to make purchases through the use of contracts let by certain other governmental entities either to the lowest responsible bidder or on the basis of "Best Value", in a manner consistent with General Municipal Law § 103, in addition to the NYS OGS contract; and

WHEREAS, the Division of Purchase has investigated the opportunities afforded by this legislation and has determined that it would be advantageous for Erie County to utilize additional cooperative agreement contracts when purchasing materials, equipment, supplies and services; and

WHEREAS, the Division of Purchase identified several cooperative agreement contracts it wishes to utilize: National Cooperative Purchasing Alliance, US Communities, The Cooperative Purchasing Network, Connecticut Consortium Cooperative Purchasing, National Joint Powers Alliance and the National Inter-Government Purchasing Alliance; and

WHEREAS, legislative approval is required for the Division of Purchase to utilize these cooperative agreement contracts.

NOW, THEREFORE, BE IT

RESOLVED, the Division of Purchase is hereby authorized to utilize the various cooperative purchasing agreements created by the National Cooperative Purchasing Alliance, US Communities, The Cooperative Purchasing Network, Connecticut Consortium Cooperative Purchasing, National Joint Powers Alliance and the National Inter-Government Purchasing Alliance to provide materials, equipment, supplies or services to the various County departments; and be it further

RESOLVED, that the provisions of Section 19.08 of the Erie County Administrative Code are hereby waived as it relates to the services procured by the Division of Purchase through contracts chosen from the various cooperative purchasing agreements created by the National Cooperative Purchasing Alliance, US Communities, The Cooperative Purchasing Network, Connecticut Consortium Cooperative Purchasing, National Joint Powers Alliance and the National Inter-Government Purchasing Alliance to provide services to the various County departments; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller, Division of Budget and Management, and the Division of Purchasing.
(5-0)

KEVIN R. HARDWICK
CHAIR