

**Erie County Salary Review Commission
Meeting #2 Minutes
September 2, 2014; 8:30am**

Meeting was held on September, 2014 at 8:30am in room 1419 (Department of Public Works Conference Room) of the Rath County Office Building at 95 Franklin Street.

MEMBERS IN ATTENDANCE

Robert Glaser, chairman, Owen Patrick Brady, Laurie Buonanno, James Wagner, William Ransom, Jr., Jennifer Persico, Dennis Jewell, James Domagalski, and Robert Graber.

SUPPORT STAFF

Mark Cornell, Erie County Executive's Office, Timothy Callan, Erie County Division of Budget and Management, and Julie Becht, Freed Maxick CPAs.

OTHER ATTENDEES

No members of the public were in attendance. However, representatives from the media attended (Buffalo News, WIVB, WKBW)

AGENDA

Old Business

- Feedback Reports

New Business

- Preliminary Salary Thoughts
- Other Matters
- Schedule for September Meetings

OLD BUSINESS

As noted at the previous meeting, Commission Members convened small working groups in hopes of interviewing the relevant elected officials in an effort to get a better understanding of their job requirements and day to day activities.

COUNTY EXECUTIVE - James Wagner and Laurie Buonanno

- Met with Mark Poloncarz. Buonanno noted three things: 1) The Citizens Salary Commission was established in 1986 by a referendum. Noted that the commission as it stands is the will of the

people and that will has been ignored since 2004. 2) There are lots of review commissions at nearly every level of government that meet far more frequently than the Erie County one. 3) Shortly after the notion of democracy was established, elected officials began being paid for their service. This was done because otherwise only the independently wealthy could afford to serve. This opened up the ability to serve to all citizens.

Wagner noted that the CE is the highest office in Erie County, yet nearly every subordinate department head makes a higher salary. There are also many white collar civil servants with their step increases that make more as well. Also noted that counties are all different. While most have sheriffs and Clerks, it is far less common to have Executives and Comptrollers. Also that the closest comparable counties are Westchester, Nassau, Suffolk, Monroe, Onondaga, Albany, but all of these counties are still very different either in population, budget size or make up. No other county is quite as equally split between urban, suburban and rural as EC. Poloncarz thought that the countywide elected officials were definitely full time positions, while the legislature is more likely to be a part-time position.

CLERK - Robert Glaser and William Ransom, Jr.

- Members tried to meet with Chris Jacobs, but he refused, citing (perhaps inaccurately or inappropriately) open meeting laws. In addition to sending a press release to media outlets, Jacobs sent the Commission a letter stating it was his opinion that the Clerk did not warrant a pay raise. Essentially that because he knew what the salary was at the time of his running for office, he should not accept one. Additionally, he called for all pay raises to be made via referendum vote as opposed to by a majority vote of the Legislature. It was noted by the Commission that it was a referendum vote of the people that set up the system by which the Commission makes recommendations for the Legislature to vote on.

COMPTROLLER - Dennis Jewell and Owen Patrick Brady

- The Comptroller scheduled a meeting, then cancelled it and offered for the Commission Members to either submit questions in writing or meet with Associate Deputy Comptroller Bryan Fiume. Commission Members declined. Mychajliw did state publicly that he did not believe the Comptroller deserved a raise and that if he were to receive a raise that he would give it to charity.

SHERIFF - Jennifer Persico and Robert Graber

- Members did meet with Tim Howard. Graber noted that he had no issue discussing his view that the Sheriff is underpaid. He specifically noted that he makes less than every other police chief for any municipality in Erie County along with several of his subordinate staff. Additionally, Howard noted that nearly every person arrested by a local municipality, turns them over to the Sheriff for holding at the holding center. Thought that a good idea would be to pay the sheriff equivalent to 1 Job Group above the highest subordinate. This would also be a good idea for other elected. Tim Callan noted that the Sheriff's senior appointees traditionally followed a union contract offering the highest salary opportunity, be it Teamsters or the Sheriff PBA for instance.

LEGISLATURE - James Domagalski, Jennifer Persico, James Wagner and Robert Graber.

- No specific discussion regarding whether or not this meeting occurred. There was some discussion on whether or not the Legislature was a part-time or full-time institution. Bob Graber noted that even with taking the month of August off, most legislators were still working. Additionally, for pension purposes, every legislator files as a full-time employee with the State Comptroller.

NEW BUSINESS

As a point of clarification, Tim Callan noted that in 1992 there was another referendum vote which amended the charter to prevent the Legislature from approving raises for elected officials in the same year as a property tax increase. He noted that one of the 2004 commission recommendations that were not approved was to strike this from the Charter.

Bob Glaser opened up the meeting to discussion asking if any members had had discussions with anyone regarding elected official raises and what sort of feedback they received. He invited any members to talk with any individuals or groups that they would like in order to get a better handle on the public's opinion on the issue and help develop their own opinions.

Jim Domagalski indicated that he spoke with a number of people who seemed to be mindful of the issue based on the recent story about the sheriff's second job. He said that while opinions as to whether or not the elected officials deserved a raise was 'all over the board' one thing remained roughly unanimous: the time frame for making this decision was too short and they were not confident that a good decision could be made unless things were slowed down. Jim Domagalski believed that more discussion with constituents needed to happen and feared that without a more open process whatever their reports is would be 'dead on arrival.' He believed that the commission's job was not simply to make recommendations for the legislature to decide upon but to, in a way, lobby for the adoption of the recommendations by demonstrating wide community support. Lastly he noted that the commission hadn't been impaneled in 10 years, why rush to get a report out in 45 days?

This led to some discussion where some commission members gave differentiating opinions on exactly what their role was. Bob Glaser believed that the political discussions and lobbying should take place after their report has been submitted to the Legislature and that it wasn't the Commission's role to take part in such lobbying and activism. It was noted that the Charter requires the legislature to hold a public meeting before considering the Commission's recommendations and that was the appropriate time to seek community support on the issue.

Tim Callan noted that the 2004 commission while holding their internal meetings in a public venue did not hold any public hearings of their own.

Domagalski noted that while the charter does not require them to hold public meetings, it does not prohibit them and he would prefer them to be held so the public has the opportunity to comment before they make their recommendations.

Bob Glaser noted that he spent some time getting input from community leaders he knows and may of their opinions drastically changed when they learned it had been 18 years since the last raise.

Bob Glaser then went on to give an overview of some additional data he prepared for the group.

First was a worksheet noting the current salaries for all the electeds, what the 2004 commission recommended, what they would be if increased proportionally to the DA's salary (which is set by NYS), what they would be if made \$1,000 higher than their subordinate deputy, and if they had been raised the same percentage as civil servants in their contracts since 1996.

Next, Bob Glaser showed everyone a spreadsheet of 'general expectations' which noted some Commission Member's thoughts on raises at this early stage of the commission. Bob Glaser noted that

his thoughts were based on the analysis and documents gathered thus far. Dennis Jewell noted that he tried to take an average of the largest counties salaries (throwing out the highest) and then tie to the Consumer Price Index. He also considered federal civil service grades. Bob Graber made them all 1 job group higher than their closest subordinate, but noted that his figures did not reflect any variable minimum with respect to step (his were calculated as step 0 where the sheriff noted that his senior managers automatically start at step 5).

Bob Glaser then moved the discussion on to whether or not they thought tying raises to the property tax as was done by the 1992 referendum was a good idea. General thoughts seemed to be 1) that was possibly outside the scope of what they were there to do (even though the 2004 commission opined on it) and 2) if done via referendum it is what the public wanted and they should stick with it.

Dennis Jewell noted that any recommendations they make shouldn't be approved for current office holders, that their recommendations should only take effect after the next election for that office. (because recommendations by the committee are only actionable by the legislature for 1 year per the charter, such a recommendation isn't necessarily viable. An alternative would be to not recommend a salary increase and then simply wait until the next set of recommendations 2 years later).

Bob Graber thought that the sheriff's salary should be set by the state similar to how the DA's is decided.

Bill Ransom indicated he would be for the commission itself holding public meetings, which got some agreement among the group.

Bob Glaser noted his disappointment in the Buffalo News editorial and how they decided to interject into their deliberations and 'poison the well' without any hard data. Bob Glaser noted that he contacted the editorial board editor who expressed a bit of regret and said they would be happy to discuss it when the final recommendations come out.

The discussion then moved to an acknowledgement that there are non-quantifiable benefits to being an elected office holder outside of the specific fringe benefits that they enjoy (pensions, health care, in some cases uniforms and cars). Laurie Buonanno reiterated that in spite of these benefits there is also a tremendous amount of responsibility and, again, the point is to make office holding accessible to more people, not just those who can afford to do public service for free.

Ransom noted that at least for the County Executive position, the salary seems to be irrelevant as there has been no problem getting qualified candidates. Specifically noting that he's liked the job performance of the past several. It was then noted that this was not necessarily the case for more technical positions like the Comptroller and Sheriff who you either attracted an underwhelming candidate because the pay was too low compared to the private sector, or someone who had already retired and was double dipping with a preexisting pension.

Bob Glaser noted that this commission seems to be very representative of the public at large with a wide range of opinions regarding this issue and that in of itself should help legitimize their findings.

ACTIONS TO BE TAKEN

Certain information was requested in advance of next meeting:

- What the referendum vote was (percentages) for the 1986 salary review commission, likewise what it was for the 1992 attachment to property tax.
- More detail on the DA's salary is set (what agency at the state does it...what is it tied to?)
- Some information comparing salary changes and the county's total budget to the consumer price index.

NEXT MEETING

The next meetings of the Erie County Salary Review Commission have not been officially set, but tentatively will be September 9th, 16th and 23rd. Tim Callan and Mark Cornell will ensure space is available within the Department of Public Works (this was done and the meetings will all be held in Room 1404 again). During the interim, members will work on assignments and either report orally or utilize email to update the group.

ADJOURNMENT

The meeting was adjourned at 10:10 am.