



ERIE COUNTY COMPTROLLER

HON. STEFAN I. MYCHAJLIW

September 9, 2016

Hon. John J. Mills
 Chairman, Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, NY 14202

Dear Chairman Mills,

It is unfortunate Mark Poloncarz is playing politics with the lives of active duty personnel and their families. The County Executive knows he does not have authority to play dictator and change pay for any county employee. The Erie County Charter is crystal clear:

Section 202. Powers and duties. Except as otherwise provided in this charter, the county legislature shall have and exercise all powers and duties of the county, all powers and duties heretofore or hereafter conferred or imposed on said county legislature or other county legislative body by applicable law, and all powers necessarily incidental thereto. All provisions of applicable law wherein powers and duties are conferred upon the legislative body of a county of the state of New York shall be construed to refer to the county legislature of Erie county.

The county legislature shall have, but not by way of limitation, the following powers and duties:

6. To fix the compensation of all officers and employees paid from county funds, except members of the judiciary.

Source: Erie County Charter, Section 202, paragraph #6

Friday's announcement (September 9th, 2016) was a political stunt. The County Executive tried to dupe the public. He can try to mislead taxpayers, but cannot avoid the letter of the law. Only the Erie County Legislature has the authority to amend compensation for county government employees.

That is why I call on the Legislature to pass the resolution I first proposed in April. I led the initiative to pay active duty personnel their full county pay. The Legislature must do this immediately. We cannot run government by press release like Mark Poloncarz. Besides, if the County Executive cared about veterans, why did he wait five years to finally take action to help them and their families?

I am confident this proposal has the full support of your Honorable Body. It most certainly did when I first brought this proposal to the Charter Revision Commission in April.

Strong support for my proposal was confirmed when a majority of the Legislature voted in favor of it this past July. Unfortunately Mark Poloncarz vetoed the revision to support members of the military and their families. The County Executive blocked critical legislation to pay active duty military personnel their full pay. He can't hide his record behind a misguided photo-op.

By simply legislating by edict, as the County Executive has done by issuing an Executive Order that he has zero authority over, he has now put the proposal in jeopardy. I hope a legal challenge does not take place, because the charter is clear: the County Executive must act in concert with the Legislature.

My reform initiative must be completed correctly and legally. The proposal must be brought forward properly. That involves recognizing and seeking approval of the Erie County Legislature.

When I introduced the proposal to the Charter Revision Commission in April, I did so in this fashion so that the proposal would have the full force and effect of law and not be subject to the whims of changing administrations or even changing minds. Of course, the proposal suffered a set-back when the County Executive vetoed the charter revision last month.

Thankfully, by changing his mind and issuing his Executive Order, it at least demonstrates a desire to recognize the hardships that our active service members in county government face in the defense of our country.

Given his reluctance to make this a part of the Erie County Charter, I ask the County Executive and this Honorable Body to refer to COMM 1E-15 (2002) to see exactly how to properly implement such a proposal. Back in 2002, former Erie County Executive Joel Giambra and the Erie County Legislature passed a proposal to provide active duty service members who were county employees with full salary that were involved with the "War on Terrorism."

Keep in mind, Mark Poloncarz tried pulling a 'fast one' last week pertaining to the approval of a contract agreement between police officers at ECMC, represented by AFSCME, and the hospital. Just like he did with today's photo-op, the County Executive unilaterally decided to give his blessing to the extension of a salary increase without formal approval. This 'ready, fire, aim' approach to governance is bad for taxpayers, bad for veterans, and terrible for the County of Erie.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stefan I. Mychajliw', written over a light blue horizontal line.

STEFAN I. MYCHAJLIW
Erie County Comptroller