

April 16, 2013

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2D-7 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to Comptroller Concerning Reorganization Plan - Request for New Positions”
(5-0)
 - b. COMM. 5M-1 (2013)
FULTON COUNTY BOARD OF SUPERVISORS: “Copy of Resolution Urging Congress to Amend the Federal Property & Administrative Services Act of 1949 Regarding Purchasing of Professional Services”
(5-0)
 - c. COMM. 5M-5 (2013)
LEGAL AID BUREAU OF BUFFALO, INC.: “Copy of Financial Statements, Annual Report & Minutes from Annual Board of Directors Meeting Held on 6/21/2012”
(5-0)
 - d. COMM. 5M-7 (2013)
JANIS MIDDLEBROOKS: “Letter to Legislature Concerning NYS Correction Officer William J. Middlebrooks, Jr. Retirement”
(5-0)
 - e. COMM. 5M-10 (2013)
BRANT TOWN BOARD: “Copy of Resolution Concerning Justice Court Funding”
(5-0)
 - f. COMM. 6E-1 (2013)
COMPTROLLER: “Compilation & Analysis Concerning Number of Employees Costing Taxpayers Over \$100,000 in Salary & Benefits in 2012”
(5-0)

- g. COMM. 6D-2 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to Legislature Concerning Comptroller's Review on County Employees "Costing Over \$100,000””
(5-0)
 - h. COMM. 6D-6 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - i. COMM. 6M-3 (2013)
ELMA TOWN BOARD: “Minutes from Meeting Held 2/27/2013”
(5-0)
 - j. COMM. 6M-4 (2013)
GRAND ISLAND TOWN BOARD: “Resolutions Concerning NYS SAFE Act, West River Parkway & Foreclosures/Vacant Properties”
(5-0)
 - k. COMM. 6M-5 (2013)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report for the 4th Quarter of 2012”
(5-0)
 - l. COMM. 6M-6 (2013)
ASSIGNED COUNSEL PROGRAM: “Financial Report for the Period of 7/1/2012 - 12/31/2012”
(5-0)
 - m. COMM. 7D-6 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
2. INTRO 4-4 (2013)
DIXON
WHEREAS, secret settlements are agreements entered into between litigants in order to settle a legal dispute without going to trial; and

WHEREAS, settlements are preferable to trials, due both to the somewhat decreased expense to taxpayers and because the agreement is freely entered into by the parties, rather than having a verdict imposed upon the parties; and

WHEREAS, however, settlements reduce the amount of valuable information available to consumers, whose taxes pay for the court system used to arrive at the settlement; and

WHEREAS, for example, a secret settlement could be used to cover up a product defect that might result in the death of a consumer, a product which a consumer could have avoided with more information; and

WHEREAS, as another example, a secret settlement could also be used to cover up inappropriate behavior at a daycare or community organization, putting children at further risk of being subjected to inappropriate behavior; and

WHEREAS, in the governmental realm, a secret settlement could be used to cover up failure of officials to avoid hazardous conditions created by governmental negligence, such as failure to repair a roadway, cover up inappropriate behavior of a governmental official, such as a workplace harassment claim, or cover up settlement of frivolous claims as a favor to generous campaign donors; and

WHEREAS, New York State Assembly Bill A. 3554 would place limitations on secret settlements in New York involving a public body or institution, a public hazard or public harm, such as is done in other states.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports consideration, passage and implementation of New York State Assembly Bill A. 3554, as well as any companion bill in the New York State Senate; 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. **COMM. 6E-10 (2013)**
COUNTY EXECUTIVE

WHEREAS, the Division of Budget and Management has six full time staff assigned to managing and monitoring the County's \$1.5 billion budget; and

WHEREAS, the incumbent in the job group 12 management consultant-county executive position is a professional accountant formerly in a civil service title in the Office of Comptroller and she is performing multiple functions beyond her grade, including oversight of the Department of Social Services; and

WHEREAS, the Division of Budget and Management desires to upgrade the position to job group 14, step 4; and

WHEREAS, there is unutilized funding from the position of systems accountant-budget RPT in the Division of Budget and Management which is available for the upgrade, and which would ensure the action is budget-neutral.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Management Consultant (CE), job group 14, step 4 (B-100 # 7221) (annual salary expense of \$64,434), and the deletion of one position of Management Consultant-County Executive, job group 12, step 5; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2013 Budget of the Division of Budget and Management to increase Account 500000 full time salaries by \$9,129 (annualized) and to reduce Account 500020 regular part time wages by \$9,129 (annualized) and the Department of Personnel is authorized to process the B-100 and make the necessary entries; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, and the Division of Budget and Management. (3-2) Legislators Hardwick & Rath voted in the negative.

4. **COMM. 6E-25 (2013)**
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office transacts business with close to one million customers annually; and

WHEREAS, the nature of the transactions require the completion of forms most of which are filled out in the local Auto Bureaus and Registrar Division, overseen by the County Clerk; and

WHEREAS, the County Clerk's Office currently provides ball point pens, on an as needed basis, to customers for use in completing necessary forms at a cost of approximately \$3,000 annually; and

WHEREAS, many local businesses use pens as an effective means of advertising their services; and

WHEREAS, initial discussions with local businesses have indicated a willingness to donate pens that contain business logos and advertising.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Clerk is hereby authorized to accept donations of ball point pens for use by customers of the Erie County Clerk's Office from companies wishing to advertise their services within the Clerk's Office, both Registrar and Auto Bureau; and be it further

RESOLVED, that consideration will be given to all companies that would appropriately benefit from advertising with customers of the Clerk's Office, and the Clerk shall retain the right of final approval over acceptance of pens from any advertisers based upon the appropriateness of advertising content.
(5-0)

5. COMM. 6E-26 (2013)
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with the operation of local Auto Bureaus as an agent for the State of New York; and

WHEREAS, the Erie County Clerk has operated a satellite auto bureau at the Erie Community College South Campus since 2008; and

WHEREAS, the current Memorandum of Understanding (MOU) was agreed to and signed by parties no longer in office; and

WHEREAS, the County Clerk has negotiated with the President of Erie Community College a certain MOU for use of space on the ECC South Campus to continue operation at this location; and

WHEREAS, said MOU has been approved by the Erie Community College Board of Trustees; and

WHEREAS, the terms of this agreement are for a one-year period and adequate funding exists in the 2013 Adopted Budget; and

WHEREAS, the Clerk and ECC find this to be a mutually agreeable agreement and are continuing negotiations for a multi-year agreement for future years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to sign a Memorandum of Understanding between the County of Erie and Erie Community College for the County Clerk's use of approximately 2102 square feet of space at the Erie Community College South Campus, for the operation of a satellite auto bureau; and be it further

RESOLVED, that the County Auto Bureau's tenancy of the premises provided in the MOU shall be at the rate not to exceed \$5,000 per year payable in one annual installment; and be it further

RESOLVED, that funding for said lease is available in the County Clerk's Adopted 2013 Budget; and be it further

RESOLVED, that the County Clerk and ECC will continue negotiations for a multi-year agreement; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Attorney and the County Comptroller.
(5-0)

THOMAS J. MAZUR
CHAIR