

June 28, 2018

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 6-1 (2018)
MILLER-WILLIAMS “Support for Tesla Auto Sales in New York State”
(Chair’s ruling)
 - b. COMM. 8E-2 (2018)
LORIGO “Letter to Chair Savage Concerning Appointment of Social Services Commissioner”
(Chair’s ruling)
 - c. COMM. 8E-3 (2018)
LORIGO “Letter to County Executive Concerning Appointment of Social Services Commissioner”
(Chair’s ruling)
 - d. COMM. 8E-4 (2018)
COUNTY EXECUTIVE “Letter to Legislator Lorigo Concerning Appointment of Social Services Commissioner”
(Chair’s ruling)
 - e. COMM. 8M-6 (2018)
ASSIGNED COUNSEL PROGRAM “Quarterly Report for 1st Quarter of 2018”
(Chair’s ruling)
 - f. COMM. 10D-4 (2018)
DEPARTMENT OF LAW “Transmittal of New Claims Against EC”
(Chair’s ruling)
 - g. COMM. 11D-2 (2018)
DEPARTMENT OF LAW “Transmittal of New Claims Against Erie County”
(Chair’s ruling)

- h. COMM. 11M-3 (2018)
NYS PUBLIC SERVICE COMMISSION “Order Concerning Petition of Verizon New York Inc.”
(Chair’s ruling)
 - i. COMM. 11M-6 (2018)
ERIE COUNTY ASSESSORS’ ASSOCIATION “Letter Concerning Proposed Amendments to the Erie County Tax Act”
(Chair’s ruling)
 - j. COMM. 11M-7 (2018)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS “Resolution Concerning Proposed Amendments to the Erie County Tax Act”
(Chair’s ruling)
 - k. COMM. 11M-8 (2018)
TOWN OF CLARENCE “Resolution Concerning Proposed Amendments to the Erie County Tax Act”
(Chair’s ruling)
 - l. COMM. 11M-9 (2018)
ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK “Letter Concerning Proposed Amendments to the Erie County Tax Act”
(Chair’s ruling)
 - m. COMM. 12M-1 (2018)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS “Letter to Chair Savage Concerning Revised Erie County Tax Act”
(Chair’s ruling)
2. INTRO. 9-2 (2018)
BURKE
WHEREAS, the U.S. Supreme Court has heard arguments in the case of Janus v. American Federation of State, County and Municipal Employees; and

WHEREAS, the plaintiff in the case charges that the fair-share fees collected by public-sector unions from workers who don’t become members are a violation of the dissenting workers’ First Amendment rights; and

WHEREAS, this challenges federal case law set nearly 40 years ago when in 1977 the Supreme Court unanimously ruled in *Abood v. the Detroit Board of Education* that although public school teachers cannot be required to join a union or to contribute to the union's political expenditures, they can be required to pay their fair share of the costs that the union incurs in negotiating and administering an agreement on behalf of all teachers; and

WHEREAS, this case and its dangers are substantively similar to the case of *Friedrichs v. California Teachers Association*, for which a lower court ruling in favor of the defendants only prevailed due to a vacancy on the Supreme Court; and

WHEREAS, the Janus plaintiffs have followed the same legal strategy as the *Friedrichs* plaintiffs; and

WHEREAS, the newest Supreme Court Justice Neil Gorsuch is likely to side with the four justices who were willing to rule with the plaintiffs in *Friedrichs*; and

WHEREAS, this means that although public-sector unions would still be obligated to represent all members of their bargaining units, they would no longer be assured of receiving fees to compensate them for the costs of representing nonmembers, which could deeply undercut the unions' financial viability; and

WHEREAS, the Janus case is driven by the same movement that has been working for at least two decades to undermine labor unions so as to reduce their influence on politics and public policy on behalf of working people.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its grave concerns regarding the Janus case and its outcome for our economy and our workforce; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; all City of Buffalo Common Council members; ECIDA Chairwoman, Brenda McDuffie; and all supervisors and mayors of towns, villages and cities within Erie County.

(5-0) Chair Savage not present for vote.

3. COMM. 11E-20 (2018)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment, on the

recommendation of the County Executive, of Acting Commissioner Gary Wilson to the permanent position of the Commissioner of Labor Relations effective immediately.
(6-0)

4. COMM. 13E-14 (2018)
COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities and special districts to make purchases through the County bidding procedure; and

WHEREAS, Erie Community College and Monroe County BOCES have requested that the Director of Purchase be authorized to permit these public entities to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Division of Purchase will not create any additional cost or burdens upon said division, but may enable a potential reduction to Monroe BOCES and ECC's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to Erie Community College:

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when deemed appropriate and as may be requested by Erie Community College and Monroe BOCES to provide in any particular County bid specification that the participating municipalities and special districts in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of time and manpower shall disseminate relevant contract information to Erie Community College and Monroe BOCES.
3. Erie Community College and Monroe BOCES participating in County contracts will issue purchase orders directly to vendors with the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Division of Purchase, the Comptroller's Office and the Erie Community College Purchasing Department.
(6-0)

5. COMM. 13E-25 (2018)
COMPTROLLER

WHEREAS, The Erie County Comptroller's Office is currently using multiple software systems that do not communicate with each other in order to pay the county's bills; and

WHEREAS, the county's Accounts Payable module in SAP was not set up to manage documents; and

WHEREAS, the county currently uses OnBase® software for document management purposes including the organization and storage of invoices and contracts; and

WHEREAS, the Accounts Payable process requires the verification that the county has the authority to make a payment on an invoice which requires access to the initial contract; and

WHEREAS, the current process requires the manual input of all information that exists in the OnBase® system to the SAP system which creates an unnecessary risk for human error; and

WHEREAS, that risk is unnecessary because technology exists today to integrate the two systems so that they communicate information between each other, free from human error, in a way that saves staff time and strengthens our payment verification methods.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is authorized to enter into a contract with Hyland professional services for the purpose of integrating county software systems; and be it further

RESOLVED, that funding for this estimated \$87,622 expense was approved by the Erie County Legislature in the 2017 year end designations and is available in the Comptroller's Professional Services, Contracts, and Fees account; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to County Comptroller Stefan Mychajliw, Budget Director Robert Keating, and Chief Information Officer Michael Breeden.

(5-0) Chair Savage not present for vote.

6. COMM. 13E-31 (2018)
COUNTY EXECUTIVE

WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding; and

WHEREAS, it has been determined that the implementation of these procedures are within the scope of and furtherance of specific purchase and procurement laws and rules set forth by New York State statute, the Erie County Charter, and the Erie County Administrative Code; and

WHEREAS, the Erie County procurement policies have been previously reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b (Comm. 2E-26) and were adopted by this Legislature on July of 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Erie County Purchase Policies and Procedures under General Municipal Law 104-b as the policy of the County of Erie pursuant to General Municipal Law Section 104-b; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget and Director of Purchase.
(6-0)

PATRICK B. BURKE
CHAIR