

ERIE COUNTY LEGISLATURE
MEETING NO. 12
JUNE 20, 2008

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Miller-Williams.

An Invocation was held, led by Ms. Konst, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Kozub.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MARINELLI

Item 1 – (COMM. 12E-1) Calling Special Session on 6/20/08

Received, Filed and Printed.

June 18, 2008

Mr. Robert M. Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

Pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on FRIDAY, JUNE 20, 2008 at TWO O’CLOCK P.M. in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

The Legislature is asked to immediately consider a Home Rule Request from the County Executive relating to the Erie County Fiscal Stability Authority’s borrowing determinations.

Thank you.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 2 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. LOUGHRAN. (AYES: 13; NOES: 1)

CARRIED.

RESOLUTION NO. 214

RE: Home Rule Request - Relating to
the Erie Fiscal Stability
Authority's Borrowing
Determinations
(COMM. 12E-2)

HOME RULE REQUEST RESOLUTION - ASSEMBLY

WHEREAS, Assembly Bill A. 11610 and Senate Bill S. 8571, now pending before the New York State Legislature, would allow the County to borrow, without the approval of the Erie County Fiscal Stability Authority, provided that the County has investment grade ratings from at least two nationally recognized rating agencies at the time of such borrowing;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 11610, entitled “AN ACT to amend the public authorities law, in relation to the Erie county fiscal stability authority’s borrowing determinations”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST RESOLUTION – SENATE

WHEREAS, Senate Bill S. 8571 and Assembly Bill A. 11610, now pending before the New York State Legislature, would allow the County to borrow, without the approval of the Erie County Fiscal Stability Authority, provided that the County has investment grade ratings from at least two nationally recognized rating agencies at the time of such borrowing;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S. 8571, entitled “AN ACT to amend the public authorities law, in relation to the Erie county fiscal stability authority’s borrowing determinations”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 3 – (COMM. 12D-1) Special Session Notice

Received, Filed and Printed.

June 18, 2008

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chairperson Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature on FRIDAY, JUNE 20, 2008 at TWO O'CLOCK P.M. in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will entail:

Immediate Consideration of a Home Rule Request from the County Executive relating to the Erie County Fiscal Stability Authority's borrowing determinations.

Thank you.

ANNOUNCEMENTS

Item 4 – LEGISLATOR KONST announced that the Finance & Management Committee held four days of mid-year budget hearings and will conduct a call-back session on Wednesday, June 26, 2008.

Item 5 – LEGISLATOR REYNOLDS announced that the Distressed Real Properties Task Force will meet on June 25, 2008 from 9:00 to 10:15 A.M. Legislator Reynolds further announced that on the same day, June 25, 2008, Erie County will conduct a Tax Lien Sale from 9:00 A.M. to 12:00 Noon for anyone interested.

Item 6 – LEGISLATOR MAZUR announced that today is the birthday of his daughter, Malina.

Item 7 – LEGISLATOR GRANT announced that yesterday, June 19, 2008, the Erie County Legislature conducted a public hearing on the proposed 2008-2009 Erie Community College budget, and that at the next session of the Legislature, scheduled for Thursday, June, 26, 2008, that a vote must be taken on the proposed budget.

MEMORIAL RESOLUTIONS

Item 8 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Tim Russert, a 'great champion' in Washington, throughout the United States and the world for Buffalo, New York. Legislator Kennedy described Mr. Russert as 'very much like family to all of us,' and hailed Mr. Russert's South Buffalo and West Seneca roots.

Item 9 - Legislator Rath requested that when the Legislature adjourns, it do so in memory of David Smith, a family friend in Florida and important pillar of the community.

Item 10 - Legislator Loughran echoed Mr. Kennedy's comments about Tim Russert, and also requested that when the Legislature adjourns, it do so in Mr. Russert's memory. Legislator Loughran described Mr. Russert as a 'force of nature.'

ADJOURNMENT

Item 11 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. KOZUB moved that the Legislature adjourn until Thursday, June 26, 2008 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, June 26, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE