

**ERIE COUNTY LEGISLATURE
MEETING NO. 15
JUNE 14, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Marinelli

Item 1 – CHAIRMAN HOLT directed that the Rules of the Legislature for 2005 Remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – Minutes of previous meetings were tabled.

Item 5 - No Public Hearings.

LEGISLATOR RESOLUTIONS

Item 6 – Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-1 from LEGISLATOR MARINELLI Re: Options For Action To Stabilize the 2005 Erie County Budget

Item 7 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-2 from LEGISLATOR SWANICK Re: The Erie County Financial Improvement Timetable (EC FIT)

Item 7 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

MEETING NO. 15
JUNE 14, 2005

ERIE COUNTY LEGISLATURE

INTRO 15-3 from LEGISLATOR HOLT Re: Imposition of Additional Sales Tax -
 Assembly and Senate

Item 8 – MS. MARINELLI presented the following item and moved for immediate
 consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Memorializing Resolution For Erie
 County's Imposition Of An Additional
 Sales Tax (Intro 15-4)

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATOR HOLT**

**RE: MEMORIALIZING RESOLUTION FOR ERIE COUNTY'S IMPOSITION OF
 AN ADDITIONAL SALES TAX.**

MS. MARINELLI moved to amend the item by adding a resolution. MR. SWANICK
 seconded. LEGISLATORS CUSACK, MARSHALL, RANZENHOFER, WEINSTEIN and
 KENNEDY voted in the negative.

CARRIED.

**AN AMENDMENT TO INTRO. 15-4
 TO BE SUBMITTED BY LEGISLATOR HOLT**

**RE: MEMORIALIZING RESOLUTION FOR ERIE COUNTY'S IMPOSITION OF
 AN ADDITIONAL .25% SALES TAX**

ADD the following:

WHEREAS, in 1985 the County of Erie began imposing sales and compensating use taxes at
 a rate that is 1% above the 3% sales tax rate otherwise authorized for all New York cities and
 counties, said additional 1% sales tax rate having been authorized and imposed to avert a financial
 crisis for Erie County in that year, and

WHEREAS, since 1988, annual extensions of that additional 1% sales tax rate have been
 authorized by the NYS Legislature, and annually implemented by the Erie County Legislature, in
 order to preserve and maintain the financial stability of Erie County government, and

WHEREAS, Erie County now directly faces a financial crisis with a \$118.4 million deficit
 for the remainder of 2005 as identified by the New York State Comptroller, and,

WHEREAS, as a consequence, and in order to secure state approval to engage in deficit
 financing to help address said deficit, Erie County requires that the New York State Legislature
 enact special taxing legislation authorizing Erie County to impose sales and compensating use taxes

MEETING NO. 15
JUNE 14, 2005

ERIE COUNTY LEGISLATURE

at an additional .25% (one-quarter of one percent) rate during the period beginning July 1, 2005 and ending November 30, 2007,

NOW, THEREFORE BE IT

RESOLVED, that the County Attorney be and hereby is directed to prepare appropriate State Bills, for introduction in and enactment by the New York State Legislature, whereby the County of Erie would be authorized, during the period from July 1, 2005 or as soon thereafter as authorized under the Tax Law of the State of New York, and ending November 30, 2007, to impose sales and compensating use taxes at an additional .25% (one-quarter of one percent) rate, and be it further

RESOLVED, that the Erie County Legislature requests authorization from the New York State Legislature for Erie County to issue appropriate serial bonds for a term of ten years for deficit financing for an amount not to exceed \$130 million, and be it further

RESOLVED, that certified copies of this resolution be immediately transmitted to the Honorable Paul A. Tokasz of the NYS Assembly and the Honorable Dale M. Volker of the NYS Senate.

MS. MARINELLI moved for the approval of the item as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll-call vote be taken.

AYES: CHASE, McCARVILLE, SWANICK, DeBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: CUSACK, MARSHALL, RANZENHOFER, WEINSTEIN, and KENNEDY. (AYES: 10, NOES: 5)

CARRIED.

Item 9 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-5 from LEGISLATOR HOLT Re: State Assistance For Erie County

Item 10 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-6 from LEGISLATOR HOLT Re: Home Rule Request Resolutions: Additional Sales Tax

Item 11 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

**MEETING NO. 15
JUNE 14, 2005**

ERIE COUNTY LEGISLATURE

GRANTED.

INTRO 15-7 from LEGISLATOR HOLT Re: Memorializing Resolution To New York State Legislature - Deficit Financing

Item 12 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-8 from LEGISLATOR HOLT Re: 2005 Erie County Budget Adjustments

Item 13 – MS. MARINELLI presented the following item and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: 2005 Erie County Budget (Intro 15-9)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR HOLT**

RE: 2005 ERIE COUNTY BUDGET

MS. MARINELLI moved to amend the item by adding a resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

**AN AMENDMENT TO INTRO. 15-9
TO BE SUBMITTED BY LEGISLATOR WROBLEWSKI**

RE: 2005 ERIE COUNTY BUDGET

ADD the following:

RESOLVED, that effective immediately, any positions in the Erie County government that become vacant due to resignation, layoff, termination, retirement or death, shall be immediately and permanently deleted from the County budget, and be it further

RESOLVED, that effective immediately, every current vacant position in Erie County government is deleted permanently, and be it further

RESOLVED, that the Commissioner of Personnel is directed to make the above-mentioned adjustments and deletions immediately upon passage of this resolution, and to inform the Legislature

MEETING NO. 15
JUNE 14, 2005

ERIE COUNTY LEGISLATURE

in writing of his compliance and/or any circumvention or failure to comply with this resolution, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Comptroller, Budget Director, Personnel Commissioner and County Attorney.

MR. KUWIK moved to amend the resolution by including ET AL Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for the approval of the item as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 14 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-10 from LEGISLATOR WEINSTEIN Re: Budget and Erie County Reforms

Item 15 - Chairman Holt directed that the following item be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 15-11 from LEGISLATOR DeBENEDETTI Re: 2005 Budget Adjustments

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 16 – (Comm. 15E-1) Letter to Executive & Legislature Re: 2005 Erie County Budget
 Received and filed.

FROM CHAIRMAN HOLT

Item 17 – (Comm. 15E-2) Calling Special Session on 6/14/2005
 Received, filed, and printed.

June 8, 2005

Kevin M. Kelley

MEETING NO. 15
JUNE 14, 2005

ERIE COUNTY LEGISLATURE

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

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 TUESDAY, JUNE 14, 2005 at 11 O'CLOCK in the morning 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 session will consider possible adjustments or other actions in relation to the 2005 Erie County Budget and State Comptroller Alan Hevesi's report finding a \$118.4 million deficit for 2005.

Please notify legislators, the administration and the public of this meeting. Thank you for your assistance.

Sincerely,

GEORGE A. HOLT, JR.
Chairman
Erie County Legislature

Item 18 – (Comm. 15E-3) Letter To Legislators Re: Request For Written Plan On Addressing \$118.4 Million Deficit

Received, filed, and printed.

June 8, 2005

Honorable Members
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Legislators:

As you may be aware by now, I have called a special session for Tuesday, June 14, 2005 at 11:00 am for the purposes of potentially adjusting the 2005 Erie County Budget to address the \$118.4 million deficit identified by State Comptroller Alan Hevesi.

I strongly encourage you to consider providing a written plan or plans for 2005 budget adjustments prior to the meeting for consideration.

If you intend to provide a plan or adjustments to address the \$118.4 million deficit, please transmit them before **11:00 am on Friday, June 10, 2005** for clock-in to Kevin Kelley, Clerk of the Legislature. Thank you.

MEETING NO. 15
JUNE 14, 2005

ERIE COUNTY LEGISLATURE

Sincerely,

George A. Holt, Jr.
 Chairman

FROM LEGISLATOR MARSHALL

Item 19 – (Comm. 15E-4) Plan to Solve 2005 Erie County Budget Crisis

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 20 – (Comm. 15D-1) Notice of 6/14/2005 Special Session

Received, filed, and printed.

June 8, 2005

To: All Erie County Legislators
 From: Kevin M. Kelley, Clerk of the Legislature
 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 Chairman George A. Holt, Jr., there will be a SPECIAL MEETING of the Erie County Legislature on TUESDAY, JUNE 14, 2005 at 11 O’CLOCK IN THE MORNING 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 Session will pertain to the 2005 Erie County Budget.

The deadline for clock-in for items to be considered for this session will be 11:00 am on Friday, June 10, 2005.

Thank you.

ATTACHMENT – Chairman Holt’s Letter.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS COMPTROLLER

Item 21 – (Comm. 15M-1) Erie County Budget Review 2005

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 22 – MR. SMITH requested that when the Legislature adjourns, it do so in memory of Carmen Eve.

Item 23 – MR. WEINSTEIN requested that when the Legislature adjourns, it do so in memory of Yvonne Dion-Buffalo.

Item 24 – MR. WEINSTEIN requested that when the Legislature adjourns, it do so in memory of Larry J. Long.

Item 25 – MR. DUSZA requested that when the Legislature adjourns, it do so in memory of Eugene Tchiko.

Item 26 – MR. HOLT requested that when the Legislature adjourns, it do so in memory of Mr. Williamson.

Item 27 – MR. SWANICK requested that when the Legislature adjourns, it do so in memory of Terrence K. Crowe.

ADJOURNMENT

Item 28 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, June 16, 2005. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 16, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**