

**ERIE COUNTY LEGISLATURE  
SPECIAL SESSION  
MEETING NO. 20  
OCTOBER 17, 2008**

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Reynolds.

An Invocation was held, led by Mr. Kennedy.

The Pledge of Allegiance was led by Mr. Mills.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 1 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 19E-16 (2008) AS AMENDED. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 330

RE: Projected Fuel Shortage  
(COMM. 19E-16 AS AMENDED)

WHEREAS, with the price of fuel at levels that have never been historically seen before, the Division of Fleet Services is projecting a fuel shortage for the remainder of 2008; and

WHEREAS, when the 2008 budget was prepared, the surge in fuel prices could not have been forecast or anticipated; and

WHEREAS, the Division of Fleet Services is projecting that The County of Erie will run out of the current fuel supply in October; and

WHEREAS, a shortage of fuel will severely impact County services such as snowplowing, highway repairs, and emergency services; and

WHEREAS, the Division of Budget & Management has identified \$600,000.00 available for expenditure.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget & Management and the Comptroller are authorized to make the necessary adjustments to transfer funds in the amount of \$600,000.00 to Fund 110, Fund Center 10710, Account 505600 Auto Supply (Fuel) from Fund 110, Fund Center 14010, Account 415360, Legal Settlements; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward two certified copies of this resolution to the Division of Fleet Services, c/o Lynn Sacha, Suite 1400, Rath Building, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance and the Office of the Comptroller.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 2 – (COMM. 20E-1) 2009 Tentative Budget

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

**FROM CHAIR MARINELLI**

Item 3 – (COMM. 20E-2) Calling Special Session on 10/17/08

Received, Filed and Printed.

October 15, 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, OCTOBER 17, 2008 at 12:30 O’CLOCK P.M. 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 purpose of the meeting will be to act on a Discharge from the Government Affairs Committee of an item from the County Executive concerning a projected fuel shortage in the Division of Fleet Services, and to refer the County Executive’s 2009 Tentative Budget to the Legislature’s Finance, Management and Budget Committee.

The items on the agenda will include COMM. 19E-16 (2008) as amended from the County Executive currently assigned to the Government Affairs Committee; the County Executive’s 2009 Tentative Budget; Letter Acknowledging Receipt of the 2009 Tentative Budget; Erie County Financial Plan for FY 2009-2012; my Letter as Chair calling the Special Meeting; and your Memo as Clerk of the Legislature to Legislators.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE**

Item 4 – (COMM. 20D-1) Letter Acknowledging Receipt of 2009 Tentative Budget

Received, Filed and Printed.

October 15, 2008

**RECEIVED:** 2009 Budget Message & Summary  
2009 Budget Book A – Operating Funds  
2009 Budget Book B – Special Funds  
2009-2012 Four Year Operations Plan

**RECEIVED FROM:** Bryan Fiume, *Director of Intergovernmental Affairs*  
On Behalf of County Executive Chris Collins

**RECEIVED BY:** John C. Davis, *Clerk of Finance, Management, & Budget Committee*

**WITNESS/ACKNOWLEDGEMENT:**

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JOHN C. DAVIS  
*Clerk*  
Finance, Management & Budget Committee

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BRYAN FIUME  
*Director*  
Intergovernmental Affairs

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ROBERT M. GRABER  
Clerk of the Erie County Legislature

**FROM THE CLERK OF THE LEGISLATURE**

Item 5 – (COMM. 20D-2) Special Session Notice

Received, Filed and Printed.

October 15, 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 Chair Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature on FRIDAY, OCTOBER 17, 2008 at 12:30 O'CLOCK P.M. 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 purpose of the meeting will be to act on a Discharge from the Government Affairs Committee of an item from the County Executive concerning a projected fuel shortage in the Division of Fleet Services, and to refer the County Executive's 2009 Tentative Budget to the Legislature's Finance, Management and Budget Committee.

The items on the agenda will include COMM. 19E-16 (2008) as amended from the County Executive currently assigned to the Government Affairs Committee; the County Executive's 2009 Tentative Budget; Letter Acknowledging Receipt of the 2009 Tentative Budget; Erie County Financial Plan for FY 2009-2012; Chair Marinelli's Letter calling the Special Meeting; and my Memo as Clerk of the Legislature to Legislators.

Thank you.

### **ANNOUNCEMENTS**

Item 6 – Legislator Konst announced that the Finance & Management/Budget Committee will hear a budget presentation by Budget Director Gregory Gach, as well as hear testimony from Comptroller Mark Poloncarz on the 2009 tentative budget. The meeting will be held on Wednesday, October 22, 2008, from 11:30 A.M. to 1:30 P.M. in the Chambers of the Legislature. Legislator Konst further announced that the week of October 27, 2008 will include departmental budget hearings. She also announced that October 24, 2008 will mark the 10<sup>th</sup> anniversary of the Niagara-Erie Regional Coalition.

Item 7 – Chair Marinelli announced that Jeffrey A. Tooke will be leaving the staff of the Legislature today, and she expressed her appreciation for his services on the staff.

### **MEMORIAL RESOLUTIONS**

Item 8 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Attorney Roy R. Cesar.

Item 9 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of David N. Coder.

Item 10 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Stephen M. Evchich.

**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.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, October 23, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, October 23, 2008 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**