

**MEETING NO. 23
NOVEMBER 30, 2007**

ERIE COUNTY LEGISLATURE

**ERIE COUNTY LEGISLATURE
MEETING NO. 23
NOVEMBER 30, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present except Legislator Kozub.

An invocation was held led by Legislator Mills.

The Pledge of Allegiance was led by Legislator Whyte.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 1 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT/BUDGET COMMITTEE from further consideration of COMM. 19E-4. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RE: 2008 Tentative Budget

RESOLVED, the Erie County Legislature does hereby make the following adjustments to the 2008 Tentative Budget:

**2008 Legislative Amendments
Revenue and Appropriation Account Adjustments**

Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
110	120	STATE AID-SERV FOR RECEIPNTS	407680	12,535,020	301,785	12,836,805
110	12700	STATE AID-PHW,GMC,MEO	405540	1,491,942	17,319	1,509,261
		Total Fund 110 Revenue Adjustment		14,026,962	319,104	14,346,066
Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
110	100	PART-TIME WAGES	500010	154,621	90,000	244,621
	Total	Legislature		154,621	90,000	244,621
110	105	PART-TIME WAGES	500010	63,414	(22,259)	41,155
110	105	REPAIRS & MAINTENANCE	506200	210,000	(5,000)	205,000
110	105	UTILITY CHARGES	515000	1,695,000	(8,000)	1,687,000
110	105	MAINTENANCE CONTRACTS	516030	1,843,915	(26,500)	1,817,415
110	105	LAB & TECH EQUIP	561410	480,000	(20,000)	460,000
	Total	Division of Information and Support Services		4,292,329	(81,759)	4,210,570
110	116	FULL-TIME SALARIES	500000	32,038,507	2,047,616	34,086,123
110	116	UNIFORM ALLOWANCE	500320	479,500	36,750	516,250
110	116	LINE-UP	500340	1,366,700	111,828	1,478,528
110	116	OVERTIME	501000	9,000,000	(2,274,530)	6,725,470
110	116	CLOTHING SUPPLIES	505200	188,750	12,250	201,000
	Total	Jail Management		43,073,457	(66,086)	43,007,371
110	120	ID YOUTH BUREAU SRVS	912630	250,000	464,285	714,285
	Total	Social Services		250,000	464,285	714,285

**2008 Legislative Amendments
Revenue and Appropriation Account Adjustments**

Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
110	10110	FULL-TIME SALARIES	500000	559,575	880	560,455
	Total	County Executive		559,575	880	560,455
110	10210	FULL-TIME SALARIES	500000	536,052	(12,839)	523,213
	Total	Budget and Management		536,052	(12,839)	523,213
110	10610	FULL-TIME SALARIES	500000	407,497	13,865	421,362
	Total	Bureau of Purchase		407,497	13,865	421,362
110	11200	FULL-TIME SALARIES	500000	2,373,188	216,555	2,589,743
	Total	Comptroller		2,373,188	216,555	2,589,743
110	11400	FULL-TIME SALARIES	500000	7,184,138	111,856	7,295,994
	Total	District Attorney		7,184,138	111,856	7,295,994
110	11510	FULL-TIME SALARIES	500000	8,079,670	40,392	8,120,062
110	11510	UNIFORM ALLOWANCE	500320	135,000	750	135,750
110	11510	LINE-UP	500340	258,000	1,600	259,600
110	11510	OVERTIME	501000	1,200,000	10,000	1,210,000
110	11510	CLOTHING SUPPLIES	505200	55,500	250	55,750
	Total	Sheriff Division		9,728,170	52,992	9,781,162
110	12220	FULL-TIME SALARIES	500000	4,891,204	(128,155)	4,763,049
	Total	DPW - Buildings and Grounds		4,891,204	(128,155)	4,763,049

**2008 Legislative Amendments
Revenue and Appropriation Account Adjustments**

Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
110	12530	OPERATION PRIME TIME	516010	250,000	464,285	714,285
110	12530	ID YOUTH BUREAU SRVS	912630	(250,000)	(464,285)	(714,285)
	Total	Youth Bureau		-	-	-
110	12700	FULL-TIME SALARIES	500000	3,646,436	48,107	3,694,543
	Total	Health Division		3,646,436	48,107	3,694,543
110	12720	FULL-TIME SALARIES	500000	814,194	(70,809)	743,385
	Total	Health - Emergency Medical Services		814,194	(70,809)	743,385
110	14010	FRINGE BENEFITS	502000	-	916,047	916,047
110	14010	REDUCTIONS FROM PERSONAL SVS ACCOUNT	504990	(3,800,000)	(500,000)	(4,300,000)
110	14010	CONTROL BOARD EXPENSE	511000	980,000	(280,000)	700,000
110	14010	BUFFALO BILLS MAINTENANCE	520070	4,015,752	(28,500)	3,987,252
110	14010	COUNTY CONTINGENCY	598900	2,500,000	(758,177)	1,741,823
	Total	County Wide Budget Accounts		3,695,752	(650,630)	3,045,122
110	14020	INTERFUND-LIBRARY	570000	-	1,600,000	1,600,000
110	14020	ID GENERAL DEBT SRV	570040	52,246,389	(250,000)	51,996,389
	Total	County Wide Interfund Accounts		52,246,389	1,350,000	53,596,389
110	16020	INSURANCE CHARGES	555050	4,000,000	(489,554)	3,510,446
	Total	Risk Retention		4,000,000	(489,554)	3,510,446
110	16410	RESERVE FOR PARK IMPROVEMENTS	504999	-	150,000	150,000
	Total	Parks		-	150,000	150,000

**2008 Legislative Amendments
Revenue and Appropriation Account Adjustments**

Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
110	16440	RESERVE FOR PARK IMPROVEMENTS	504999	-	150,000	150,000
	Total	Parks - City of Buffalo		-	150,000	150,000
110	16500	ID CPS SERVICES	916500	(1,890,000)	(100,000)	(1,990,000)
	Total	Central Police Services		(1,890,000)	(100,000)	(1,990,000)
110	16700	FULL-TIME SALARIES	500000	470,992	90,208	561,200
	Total	Emergency Services		470,992	90,208	561,200
110	17000	INTEREST-REVENUE ANTIC NOTES	551200	3,700,000	(50,000)	3,650,000
	Total	County Wide Comptroller		3,700,000	(50,000)	3,650,000
110	1331010	ERIE NIAGARA REGIONAL PARTNERSHIP	516000	-	20,000	20,000
	Total	Economic Development		-	20,000	20,000
110	1331030	BUFFALO NIAGARA CONV. & VISITORS BUREAU	516000	3,286,644	(686,644)	2,600,000
110	1331030	BUFFALO CONVENTION CENTER	516000	1,850,000	(200,000)	1,650,000
110	1331030	BUFFALO NIAGARA FILM COMMISSION	516000	150,000	(150,000)	-
	Total	Tourism Promotion		5,286,644	(1,036,644)	4,250,000
110	1332010	COOP EXTENSION SERVICE OF ERIE CO	516000	290,000	5,000	295,000
110	1332010	ERIE COUNTY SOIL & WATER CONSERVATION	516000	165,000	5,000	170,000
110	1332010	SPCA - FERAL CATS PROGRAM	516000	-	24,000	24,000
110	1332010	ERIE COUNTY MEALS ON WHEELS	516000	-	85,000	85,000
110	1332010	ALDEN MEALS ON WHEELS	516000	-	7,500	7,500
110	1332010	KENMORE MEALS ON WHEELS	516000	-	7,500	7,500
110	1332010	COMMUNITY AGENCIES VIVE CASA	516000	75,000	25,000	100,000
	Total	Community/Neighborhood Development		530,000	159,000	689,000

**2008 Legislative Amendments
Revenue and Appropriation Account Adjustments**

Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
110	1333020	AFRICAN AMERICAN CULTURAL CENTER	516000	69,425	69,955	139,380
110	1333020	ARTS COUNCIL IN BUFFALO & ERIE COUNTY	516000	-	12,000	12,000
110	1333020	UJIMA COMPANY	516000	18,989	5,877	24,866
	Total	Cultural Resource Advisory Board		88,414	87,832	176,246
		Total Appropriation Increase Fund 110		146,039,052	319,104	146,358,156
Utility Fund						
140	12110	OTHER GEN SVCS-OTHER GOVTS	420190	25,373,632	(72,329)	25,301,303
		Total Revenue Decrease Fund 140		25,373,632	(72,329)	25,301,303
140	12110	FULL-TIME SALARIES	500000	120,174	(72,329)	47,845
		Total Appropriation Decrease Fund 140		120,174	(72,329)	47,845

**2008 Legislative Amendments
Revenue and Appropriation Account Adjustments**

Fund	Fund Center	Account Name	Account	2008 Executive Reco	Legislative Adjustments	2008 Legislative Adopted
E-911 Fund						
230	165	APPROPRIATED FUND BALANCE	402190	-	100,000	100,000
		Total Revenue Increase Fund 230		-	100,000	100,000
230	165	ID CPS SERVICES	916500	1,890,000	100,000	1,990,000
		Total Appropriation Increase Fund 230		1,890,000	100,000	1,990,000
Debt Service Fund						
310	17200	INTERFND REV SUBSIDY	486000	59,228,366	(250,000)	58,978,366
		Total Revenue Decrease Fund 310		59,228,366	(250,000)	58,978,366
310	17200	INTEREST-BONDS	550800	22,521,292	(250,000)	22,271,292
		Total Appropriation Decrease Fund 310		22,521,292	(250,000)	22,271,292
Library Fund						
820	420	INTERFUND REV SUBSIDY	486000	-	1,600,000	1,600,000
		Total Revenue Increase Fund 820		-	1,600,000	1,600,000
820	420	SERVICE RESTORATION REQUEST	504999	-	1,600,000	1,600,000
		Total Appropriation Increase Fund 820		-	1,600,000	1,600,000

**2008 Legislative Amendments
Position Adjustments**

Department	Fund Center	Cost Center	Title	Job Group	Executive Recommended	Number	% of Co Share	Legislative Adopted	Number	Revenue Adjustment (dec)/inc	Net Adjustment (Cost)/Save
County Executive	10110	1011010	Coord. Of Crim. Justice Services	16	80,671	1	100%	0	0	0	80,671
County Executive	10110	1011010	Senior Exec. Assistant CE	16	0	0	100%	81,551	1	0	(81,551)
County Executive Total											(880)
Budget & Mgt.	10210	1021020	Billing Collections Specialist	10	47,877	1	100%	0	0	0	47,877
Budget & Mgt.	10210	1021010	Admin. Assistant CE	9	0	0	100%	35,038	1	0	(35,038)
Budget & Mgt. Total											12,839
Comptroller	11200	1120010	Associate Deputy Comptroller	17	73,938	1	100%	0	0	0	73,938
Comptroller	11200	1120030	Associate Deputy Comptroller	17	0	0	100%	73,938	1	0	(73,938)
Comptroller	11200	1120040	Asst Dir Rev Recovery	11	0	0	100%	55,368	1	0	(55,368)
Comptroller	11200	1120040	Billing Collection Specialist	10	0	0	100%	47,877	1	0	(47,877)
Comptroller	11200	1120030	Staff Auditor	11	0	0	100%	42,192	1	0	(42,192)
Comptroller	11200	1120030	Accountant Auditor	9	0	0	100%	71,118	2	0	(71,118)
Comptroller Total											(216,555)
Public Works	12220	1222020	Laborer	3	48,558	2	100%	23,779	1	0	24,779
Public Works	12220	1222030	Building Guard	4	103,376	4	100%	0	0	0	103,376
Public Works Total											128,155
Info & Support Services	105	1052050	Computer Operator PT	7	44,511	2	100%	22,252	1	0	22,259
Info & Support Services Total											22,259
District Attorney	11400	1140030	Confidential Clerk DA	7	0	0	100%	36,948	1	0	(36,948)
District Attorney	11400	1140015	Confidential Criminal Inv.	10	39,394	1	100%	0	0	0	39,394
District Attorney	11400		Step Adjustments		0	0	100%	114,302	0	0	(114,302)
District Attorney Total											(111,856)
Health Division	12700	1271672	Nurse Coordinator	12	0	0	64%	48,107	1	17,319	(30,788)
Health Division Total											(30,788)

**2008 Legislative Amendments
Position Adjustments**

Department	Fund Center	Cost Center	Title	Job Group	Executive Recommended	Number	% of Co Share	Legislative Adopted	Number	Revenue Adjustment (dec)/inc	Net Adjustment (Cost)/Save
Purchase	10610	1061010	Senior Clerk Typist PT	4	11,914	1	100%	0	0	0	11,914
Purchase	10610	1061010	Receptionist	3	0	0	100%	25,779	1	0	(25,779)
Purchase Total											(13,865)
Emergency Services	16700	1670010	Commissioner of Emergency Srv	16	0	0	100%	90,208	1	0	(90,208)
Emergency Services Total											(90,208)
Emergency Medical Srvs	12720	1272010	Deputy Comm EMS	14	70,809	1	100%	0	0	0	70,809
Emergency Medical Srvs Total											70,809
Jail Management	116	1161020	Sergeant Officer	9	0	0	100%	631,896	12	0	(631,896)
Jail Management	116	1161020	Deputy Sheriff Officer	8	0	0	100%	1,374,496	36	0	(1,374,496)
Jail Management	116	1161050	Registered Nurse (Spanish Spk)	8	0	0	100%	41,224	1	0	(41,224)
Jail Management Total											(2,047,616)
Sheriff Division	11510	1151020	Deputy Sheriff Criminal	8	0	0	100%	40,392	1	0	(40,392)
Sheriff Division Total											(40,392)
Grand Total											(2,318,098)

Fund 140 Utilities

Business Area	Fund Center	Cost Center	Title	Job Group	Executive Recommended	Number	% of Co Share	Legislative Adopted	Number	Revenue Adjustment (dec)/inc	Net Adjustment (Cost)/Save
Utilities Fund	12110	121010	Prin. Eng. Energy, Util., Grt.. Mgt.	16	72,329	1	0%	0	0	(72,329)	0

- **ADD THE FOLLOWING “2008 BUDGET ACCOUNTABILITY ACT” AFTER THE LAST BUDGET RESOLUTION**

WHEREAS, this Legislature recognizes the importance of the tourism industry to Erie County and, as such, has dedicated substantial governmental resources to support this private industry; and

WHEREAS, the amount of funds appropriated to the Convention and Visitors Bureau will increase 100% in the 2008 budget, from \$1.3 M to \$2.6 M; and

WHEREAS, the amount of funds appropriated to the Buffalo Convention Center will increase 22% in the 2008 budget, from \$1.35 M to \$1.65 M; and

WHEREAS, this Honorable Body is also providing significant resources to the following organizations:

Niagara Erie Regional Coalition
 Soil and Water Commission
 Erie County Meals on Wheels
 Alden Meals on Wheels

Cooperative Extension of Erie County
 SPCA-Feral Cat Program
 Vive Casa
 Ken-Ton Meals on Wheels

all of which provide valuable community services; and

WHEREAS, the allocation of this significant amount of funding requires that the recipient organizations be accountable to the people of Erie County to insure that this money is being well spent and that best practices are being employed.

NOW, THEREFORE, BE IT

RESOLVED, that the Convention and Visitors Bureau and the Buffalo Convention Center shall prepare a budget showing how the funds allocated by this budget will be spent during the 2008 fiscal year; and be it further

RESOLVED, that the Convention and Visitors Bureau and the Buffalo Convention Center create a strategic plan with measurable goals and outcomes for 2008; and be it further

RESOLVED, that the Convention and Visitors Bureau and the Buffalo Convention Center provide a budget along with a strategic plan to the Chairperson of the Community Enrichment Committee by February 28, 2008; and be it further

RESOLVED, that the Convention and Visitors Bureau and the Buffalo Convention Center shall provide this Honorable Body with quarterly updates on the outcomes or results of each of the measurable goals identified in the strategic plan; and be it further

RESOLVED, that the Convention and Visitors Bureau and the Buffalo Convention Center shall provide the Chairperson of the Community Enrichment Committee, by January 15, 2008, a

personnel list containing titles, job descriptions and the salary for each employee of the respective organization; and be it further

RESOLVED, that the following organizations:

Niagara Erie Regional Coalition	Cooperative Extension of Erie County
Soil and Water Commission	SPCA-Feral Cat Program
Erie County Meals on Wheels	Vive Casa
Alden Meals on Wheels	Ken-Ton Meals on Wheels

provide a budget to the Human Services Committee by January 18, 2008 showing how the funds appropriated will be spent during the 2008 fiscal year; and be it further

RESOLVED, that the above referenced organizations will be invited to the Human Services Committee to discuss their budgets and the valuable community services that they provide.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the 2008 Executive Recommended Budget assumed a growth in sales tax of approximately 2.5% over 2007 projections; and

WHEREAS, as a result of the historic value of Canadian Currency, Canadian citizens have been traveling to Erie County to shop and recreate; and

WHEREAS, while many counties in New York State are experiencing a sales tax shortfall, Erie County sales tax collections as of the end of October 2007 indicates an increase in the sales tax that outstrips the 2007 projections; and

WHEREAS, according to conservative projections, the 2008 sales tax revenues will exceed projections by at least \$3 Million; and

WHEREAS, the Erie County Fiscal Stability Authority has refused to allow the County to sell its tax liens to the Xspand Corporation; and

WHEREAS, if the Erie County Fiscal Stability Authority continues this irresponsible action in 2008, it could cause harm to the 2008 budget as the Executive Recommended Budget has assumed approximately \$5 Million in revenue from this transaction; and

WHEREAS, this Honorable Body is committed to financial stability and believes it is fiscally prudent to prepare for the possibility that the County will not sell its tax liens in 2007 or 2008 and that this possibility must be addressed in the 2008 budget; and

WHEREAS, any excess sales tax revenues up to \$5 Million must be placed in a "Tax Lien Contingency Account" to reduce the effect of the loss of tax lien revenues.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget and the Office of the Comptroller shall monitor sales tax receipts on a quarterly basis and place any funds that exceed the pro rate sales tax estimates up to \$5 Million in the "Tax Lien Contingency" account; and be it further

RESOLVED, funds from the "Tax Lien Contingency fund can only be used, with prior Legislative approval, to offset any fiscal impact caused by the tax lien sale not being completed in 2007 or 2008.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, in the event that the tax lien sale is completed in 2008, the county will have excess revenues; and

WHEREAS, in the event that the tax lien sale is not completed in 2008, and the amount of sales tax overage exceeds the \$5 Million budgeted for the tax lien sale, there will be surplus funds; and

WHEREAS, the County should establish a "pay as you go economic development contingency fund" to insure that any of the above revenues are only spent in a responsible manner. The surplus funds shall be designated as follows:

- A pay as you go economic development fund to be used to support economic development activities in Erie County without incurring any additional debt and interest on that debt. Too often the costs of funding current projects are pushed to future budgets and taxpayers incur increased payments due to interest. Economic development projects funded with this contingency fund will be proposed by the County Executive and will require Legislative approval to be initiated.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget shall establish a "pay as you go economic development contingency fund"; and be it further

RESOLVED, if tax liens are sold, all revenues and surplus sales tax revenue shall be deposited into the established account; and be it further

RESOLVED, if tax liens are not sold, all sales tax revenues in excess of \$5 Million shall be deposited into the established account; and be it further

RESOLVED, any funds in this account can only be used to support economic development activities in Erie County and can only be used with prior Legislative approval.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the Office of Veterans' Services was allocated \$119,901 in the 2008 Budget; and

WHEREAS, the Office of Veterans' Services is currently organized in the Office of Public Advocacy; and

WHEREAS, prior to the Charter changes approved in 2006, the Office of Veterans' Services was a stand-alone unit of County government; and

WHEREAS, the Office of Veterans' Affairs functioned efficiently as a stand-alone governmental unit with its own Commissioner and wishes to return to its previous status.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget shall establish a separate Fund for the Department of Veterans' Services and the entire appropriation to the Office of Veterans' Affairs shall be allocated to the Department of Veterans' Affairs.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the 2008 grant budget for the Congregate Dining Nutrition Program in the Department of Senior Services, contains an appropriation for \$146,906 in account 516010, for the Salvation Army, and

WHEREAS, the account in said grant should have appropriated \$52,917 for the Salvation Army and \$93,989 for the Town of Amherst, for a total appropriation of \$146,906, and

WHEREAS, said adjustment will not increase county cost or effect Federal reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the 2008 Grant Budget for the Congregate Dining Nutrition Program in the Department of Senior Services to reflect a \$52,917 appropriation for the Salvation Army and \$93,989 appropriation for the Town of Amherst.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

RESOLVED, the Division of Budget and Management is hereby authorized to add the following two projects to the 2008 Capital Budget (Book B, Page 229):

Estimated	Capital
County Total	Budget
Project Cost	Allocation
<u>(2008-2009)</u>	<u>In 2008</u>

VII. HEALTH

Medical Examiner – New Cooler-Freezer System	\$155,000	\$155,000
Medical Examiner – X-Ray Room	\$80,000	\$80,000

Medical Examiner – New Cooler-Freezer System

This project will provide funds to purchase new cooler-freezer systems to replace current poor-functioning system. The current system creates health and safety issues due to poor functioning and current breakdowns.

Bonded Project: \$155,000

Medical Examiner – X-Ray Room

These funds will be used to purchase an X-Ray Room, fluoroscopy unit and table needed to take x-rays for Medical Examiner cases. The current equipment is antiquated and new parts are no longer manufactured.

Bonded Project: \$80,000.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, there has been a long and chronic problem relating to housing inmates at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the County Executive has created a County Contingency Account No. 598900, with the funds necessary to address the problems associated with the Holding Center and Correctional Facility.

NOW, THEREFORE, BE IT,

RESOLVED, that the Sheriff Department prepare a plan to adequately address the problems in the Holding Center and the Correctional Facility and to present such plan to this Honorable Body; and be it further

RESOLVED, that the no funds can be spent from County Contingency Account No. 598900 without prior Legislative approval.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the Erie County Legislature maintains oversight of the Board of Elections, and

WHEREAS, it is the intent of the Legislature to insure that the Board of Elections stays within the 2008 Adopted Budget personnel account appropriations and maintains consistent staffing levels and facilitates the proper budgeting of positions.

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Elections shall operate within the total amount appropriated in the adopted budget of each personnel account, and that any position additions initiated by the Board of Elections during the course of the fiscal year will be offset by a similar position deletion, and be it further

RESOLVED, that nothing in this amendment limits the legal rights of the Board of Elections.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the 2008 grant budget for the Strengthening Families Program in the Department of Social Services contains an appropriation for \$150,000 in account 516010, Contractual Payments non-profit purchase of services, and

WHEREAS, the account in said grant should have appropriated the \$150,000 for the Educational Opportunity Center, and

WHEREAS, said grant is fully reimbursed by the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Strengthening Families Program grant in the Department of Social Services to reflect a \$150,000 appropriation for the Educational Opportunity Center

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, this Legislature recognizes the importance maintaining the quality of housing in Buffalo and Erie County; and

WHEREAS, in the cities, towns and villages of the county there are problems with absentee landlords failing to adequately maintain their properties, which lead to blight, neighborhood destabilization, disinvestment, and the decrease in the tax base; and

WHEREAS, these absentee landlords often ignore housing code violations and housing court summonses; and

WHEREAS, the Erie County Legislature has appropriated funds in Sheriff's Department, Cost Center 1151020 to fund a Sheriff's Deputy to serve warrants on absentee landlords throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff appear on a quarterly basis in front of an appropriate Committee of this Honorable Body and provide the statistics regarding the number of

warrants served during the period and to inform the Legislature of the Sheriff's ability to stay current with the warrants issued by housing courts throughout Erie County.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the Erie County Legislature recognizes that the parks, pools and recreation centers located in the City of Buffalo are invaluable community and regional resources that must be appropriately staffed and maintained; and

WHEREAS, the Erie County Legislature believe that it is appropriate to dedicate revenues to maintain and enhance these valuable community assets as well as to provide for adequate compensation and training for the staff employed to manage these valuable community resources.

NOW, THEREFORE, BE IT

RESOLVED, that a Reserve Account is established in Fund Center 16440 to be used expressly for the purpose of enhancing and maintaining our City parks, pools and recreation centers and to provide for adequate compensation and training for the staff employed to manage these valuable community assets, and be it further

RESOLVED, that no funds shall be expended from this Reserve Account prior to legislative approval of a plan developed by the Parks Department of Erie County which provides for the maintenance and management of these valuable community resources in the best interests of the residents of Erie County.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

WHEREAS, the Erie County Legislature recognizes that our county parks are valuable resources which should be maintained in a manner to insure continued use and enjoyment by all residents of Erie County; and

WHEREAS, the Erie County Legislature recognizes that these valuable resources are currently suffering from poor management and lack of proper maintenance, thereby diminishing the value of these important community resources.

NOW, THEREFORE, BE IT

RESOLVED, that a Reserve Account is established in the 2008 Budget in Fund Center 16410 to be used expressly for the purpose of maintaining and enhancing the Erie County Parks; and be it further

RESOLVED, that no funds shall be expended from the Reserve Account without prior approval by the Erie County Legislature of a comprehensive plan developed by the Parks Department of Erie County which provides for the complete and adequate maintenance and preservation of these invaluable county resources.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution

WHEREAS, the Erie County District Attorney has informed this Legislature that junior level Assistant District Attorneys (ADAs) are leaving service because of a stagnant pay scale; and

WHEREAS, the District Attorney informed the Legislature that this is problematic as the ADAs leave service after receiving considerable and costly training and that this causes a disruption to the office; and

WHEREAS, the District Attorney has suggested that the Legislature increase the pay for junior level ADAs.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature has amended the Executives budget to provide an additional \$111,856 to the District Attorney's Full Time Salary Account; and be it further

RESOLVED, each Assistant District Attorney who is at pay step 1-4 effective January 4, 2008 will progress to the next step; and be it further

RESOLVED, the Budget Director is hereby authorized to adjust the budget and transfer funds from the \$111,856 as required to fund the county share of step increases for ADA positions in the Grant fund.

- **ADD** the following **BUDGET RESOLUTION** after the last Budget Resolution:

RESOLVED, the Division of Budget, Management and Finance shall initiate a financial review of all capital projects with the assistance of accounting staff from the Department of Public Works and the Office of the Comptroller to determine if there are older capital projects, either from the old SFG system or the present system, that are completed and have an available balance; and be it further

RESOLVED, that a report shall be forwarded to the Legislature indicating all completed capital projects that have a remaining balance; and be it further

RESOLVED, upon completion of the report the Legislature will authorize the Comptroller to transfer cash from completed capital projects into a capital reserve account to either balance completed capital projects indicating a shortfall of cash, to pay outstanding debt, or to offset 2008 capital debt; and be it further

- **DELETE** Budget Resolution No. 13 in its entirety and **REPLACE** with the following:

MEETING NO. 23
NOVEMBER 30, 2007

ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive is authorized to enter into contracts, with Legislative approval, for the use of hotel tax revenues deposited into the General Fund and allocated to tourism, visitors and convention promotion, marketing and development services in the 2008 Budget as adopted, and to designate a Tourist Promotion Agency for Erie County; and be it further

RESOLVED, that the amount of funds designated to the Buffalo Niagara Convention and Visitors Bureau will be set annually in the budget and will not be increased or decreased based on changes on revenues during the budget year; and be it further

- DELETE Budget Resolution #15 in its entirety and REPLACE with the following:

WHEREAS, the Erie County Legislature has, in the 2008 Budget, made the following appropriations:

<u>Division</u>	<u>Account</u>	<u>Appropriation For</u>	<u>Amount Appropriated</u>
Health	516020	Professional Service Contracts & Fees	\$1,597,764
Emergency Medical Services	516020	Professional Service Contracts & Fees	\$50,000
PH Lab, Epidemiology & Environmental Health	516020	Professional Service Contracts & Fees	\$477,500
Medical Examiner	516020	Professional Service Contracts & Fees	\$300,000

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the Erie County Department of Health, of such necessary professional, technical and consultant services for the fiscal year 2008 from qualified professionals within the bounds of the appropriation stated above for those categories and providers as are listed in Exhibits A, B, C and D attached to this resolution and incorporated herein; and be it further

RESOLVED, the County Executive is hereby authorized to execute any and all contracts necessary to effect this resolution for the fiscal year 2008; and be it further

RESOLVED, that inasmuch as it is impractical to follow the request for proposal (RFP) in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives this procedure for these categories of services as provided for in Section 19.08 of the Erie County Administrative Code; and be it further

EXHIBIT A
 Erie County Health Department
 Contractual Service Rates for Fee-For-Service Personnel
 Annual Compensation Will be Less than \$10,00

Audiometer Technician	\$15.00/hour
Court Stenographer	
Original Transcript and 1 copy	2.25/page
2dn and all other copies	1.25/page
Minimum Appearance	50.00/hearing
Data Management Intern	10.00/hour
Dental Assistant	10.00/hour
Dental Hygienist	20.00/hour
Dental Office Auxiliary	13.00/hour
Engineering Intern	10.00/hour
Environmental Education Intern	10.00/hour
Field Investigator	15.00/hour
Geographical Information Systems Consultant	21.00/hour
Hearing Officer	40.00/hour
Laboratory Technician	25.00/hour
Licensed Practical Nurse	20.00/hour
Breast Feeding Peer Counselor	10.00/hour
Breast Feeding Peer Counselor Coordinator	11.00/hour
Nurse Practitioner	48.00/hour
Nutritionist	15.66/hour
Office Assistant	10.00/hour
Occupational Therapist	14.95/hour
Pharmacy Consultant	50.00/hour
Public Health Education Specialist	15.00/hour
Public Health Nurse	30.00/hour
Public Health Consultant #1	10.00/hour
Public Health Consultant #2	20.00/hour
Public Health Consultant #3	30.00/hour
Public Health Social Worker	12.79/hour
Record Retention Summer Intern	6.00/hour
Registered Nurse	28.00/hour
Refugee Health Assessment Language Interpreter	20.00/assessment
Social & Preventive Medicine Intern	13.00/hour
Vector & Pest Control Intern	13.00/hour
Veterinarian Service	
Dog Handler-Rabies Clinic	5.7/hour
Syringe Filler-Rabies Clinic	5.76/hour
Veterinary Services-Rabies Clinic	45.00/hour
Confinement (Daily)	5.00/day
Examination	12.05/exam
Specimen Preparation for Rabies Lab	55.00 speciman

EXHIBIT B
Erie County Health Department
Contractual Service Rates for Fee-For-Service Personnel
Annual Compensation May Be \$10,000 or More

Dentist	55.00/hour
Dentist (Forensic)	150.00/hour
Data Management Systems Consultant	30.00/hour
Physician	65.00/hour
Clinic Consultant	40.00/hour
Physician Assistant	48.00/hour
Podiatrist	55.00/hour

EXHIBIT C
Erie County Health Department
Emergency Medical Services Division
Contractual Service Rates for Fee-For-Service Personnel
Annual Compensation Will be Less than \$10,00

Fast, Inc.	\$52.00/3 hours
Fire Rescue Services	2.00/3hours
Legal Instructor - EMS	40.00/hour (Limit 2 hours)
Lab Instructor	10.72/hour
Rescue Instructor	17.02/hour
Physician	65.00/hour
Certified Lab Instructor	12.00/hour
Practical Work Instructor	10.00/hour

EXHIBIT D
Erie County Health Department
Emergency Medical Services Division
Contractual Service Rates for Fee-For-Service Personnel
Annual Compensation \$10,000 or More

Certified Instructor Coordinator \$28.11/hour

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with the following organizations to provide Public Health Services in order to assure the continuation of vital services:

State University of Buffalo at New York:
 School of Engineering
 Department of Clinical Laboratory Sciences
 School of Marketing
 School of Public Health and Health Professions
 Department of Pathology and Anatomical Sciences (Histological Services)
 Department of Family Services
 Erie County Medical Center Corporation
 Nurse Midwifery Associates of WNY, LLP
 Academic Medicine Service, Incorporated
 University Gynecology & Obstetricians, Incorporated
 University at Buffalo Pathologist, Inc.
 M/Mgmt Systems/Common Sense
 Justice Trax
 Cornell Cooperative Extension
 Independent Health Foundation
 University Emergency Medical Services
 Unisys Corp.
 Mitchell & McCormick, Inc.
 Calspan-UB Research Center
 Western New York Public Health Alliance, Inc.
 Buffalo Computer Graphics
 Internet Sexuality Information Services Inc.
 Kaleida Health
 Community Health Center of Buffalo;

and be it further

RESOLVED, that the necessary funds to cover the costs of these contracts have been appropriated in the 2008 Erie County Budget; and be it further

RESOLVED, that in as much as it is impractical to follow the request for proposal procedures, the Erie County Legislature hereby waives this procedure in the case of these services which must be provided immediately and on an uninterrupted basis as provided for in Section 19.08 of the Erie County Administrative Code.

- **DELETE Budget Resolution #27 in its entirety and REPLACE with the following:**

RESOLVED, that upon the recommendation of the Sheriff with respect to the Erie County Holding Center (EHC) and the Erie County Correctional Facility (ECCF), the County Executive, subject to legislative approval, is hereby authorized to enter into and/or renew agreements with the other counties of this state for the housing at the EHC or the ECCF of prisoners of such counties at a per diem per capita cost rate for each institution, and be it further

RESOLVED, that the County Executive, subject to legislative approval, is hereby authorized to negotiate a rate increase applicable to the agreement for housing federal prisoners of the U.S. Marshals Service and the Immigration and Naturalization Services; and be it further

RESOLVED, that upon the recommendation of the Sheriff, the County Executive, subject to legislative approval, is hereby authorized to enter into contract with other New York State counties for the housing of Erie County prisoners as may be required by the New York State Commission of Corrections.

- Amend Budget Resolution #61 as follows:

DELETE the 2nd RESOLVED clause and **REPLACE** with:

RESOLVED, effective January 1, 2008, Giambra appointees, identified in Communication 5E-11 (2000), will no longer accrue one hundred sixty hours of vacation credit on the 1st day of the year and instead will accrue vacation time in a manner similar to all other non-executive management confidential employees; and be it further

ADD the following after the 2nd Resolved Clause:

RESOLVED, nothing in this Budget Resolution will allow or authorize Giambra appointees in service on or after January 1, 2008, to “cash out” accrued compensatory time or vacation time, this Resolution merely limits the practice awarding Giambra appointees 160 hours of vacation time on the 1st of the year; and be it further

- DELETE Budget Resolution #70 in its entirety.

MS. WHYTE moved to lay Comm. 19E-4 as amended on the table. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MARINELLI

Item 2 – (COMM. 23E-1) Calling Special Session

Received, Filed and Printed.

November 26, 2007

Mr. Robert Graber, Clerk
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

MEETING NO. 23
NOVEMBER 30, 2007

ERIE COUNTY LEGISLATURE

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, NOVEMBER 30 2007 at 3:30 PM in the Erie County Legislature Chambers, 4th Floor, of the Old County hall, 92 Franklin Street, in the City of Buffalo, New York.

The purpose of the meeting will be to discharge the County Executive's 2008 Tentative Budget from the Legislature' Finance & Management/Budget Committee.

The items on the agenda will include consideration of the Discharge from the Finance & Management Committee – Comm. 19E-4 as amended, my letter calling the Special Meeting and the Clerk of the Legislature's Memo to the Legislators.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 3 – (COMM. 23D-1) Special Meeting Notice

Received Filed and Printed.

November 27, 2007

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, NOVEMBER 30 2007 at 3:30 PM in the Erie County Legislature Chambers, 4th Floor, of the Old County hall, 92 Franklin Street, in the City of Buffalo, New York.

The purpose of the meeting will be to discharge the County Executive's 2008 Tentative Budget from the Legislature' Finance & Management/Budget Committee.

MEETING NO. 23
NOVEMBER 30, 2007

ERIE COUNTY LEGISLATURE

The items on the agenda will include consideration of the Discharge from the Finance & Management Committee – Comm. 19E-4 as amended, as well as the letter from Chairperson Marinelli calling the Special Meeting and my Memo as Clerk of the Legislature to members of the Legislature.

Thank you.

MS. WHYTE moved to recess until December 4, 2007 at 2:00 p.m. (11/30/07 at 3:38 p.m.).
MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

CHAIRPERSON MARINELLI reconvened the Legislature (12/4/07 at 2:15 p.m.)

All members present.

CHAIRPERSON MARINELLI recessed the Legislature (12/4/07 at 2:16 p.m.)

CHAIRPERSON MARINELLI reconvened the Legislature (12/4/07 at 3:31 p.m.)

All members present.

CHAIRPERSON MARINELLI declared the Legislature adjourned until Tuesday, December 4, 2007 at 3:32 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE