

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

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MEETING NO. 29
NOVEMBER 15, 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 Mr. Ranzenhofer

Item 1 – Chairman Holt directed that the agenda be taken out of order and begin with Comm. 28E-26.

GRANTED.

MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 28E-26. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304

RE: Revenue Initiatives to Implement FY2005
and FY2006 Four-Year Financial Plan

WHEREAS, the Erie County Fiscal Stability Authority Act (“ECFSA”) requires the County of Erie to adopt a four year financial plan for FY2005 by October 1, 2005 ("FY2005 Four Year Financial Plan") which outlines how the County will achieve balanced budgets on a consistent and sustained basis; and

WHEREAS, the FY2005 Four Year Financial Plan was adopted by the Erie County Legislature on September 29, 2005; and

WHEREAS, the FY2005 Four Year Financial Plan as adopted by the Erie County Legislature listed several initiatives to increase revenues and decrease expenses in order to restore fiscal stability to Erie County; and

WHEREAS, the proposed FY2006 Four Year Financial Plan also contains several initiatives to restore fiscal stability to Erie County; and

WHEREAS, the implementation of some of these initiatives will require the imposition of new and/or increased taxes and fees charged by the County, together with authorizing amendments of New York State law.

ADDITIONAL 1% SALES TAX FOR PERIOD 3/1/06 TO 11/30/07

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 March 1, 2006 to November 30, 2007, to continue its imposition of sales and compensating use taxes at an additional rate that is 1% above the permanent 3% rate otherwise authorized for all New York cities and counties pursuant to Tax Law § 1210 pursuant to Tax Law § 1210-D, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate amendment of the Erie County Sales and Use Tax Resolution for introduction in and adoption by this Honorable Body so as to impose sales and compensating use taxes at a further additional rate that is .5% above the permanent 3% rate otherwise authorized for all New York cities and counties and the temporary additional 1% rate authorized for Erie County pursuant to Tax Law § 1210 and the temporary additional .25% rate authorized for Erie County pursuant to Tax Law § 1210-D.

FURTHER ADDITIONAL .5% SALES TAX FOR PERIOD 3/1/06 TO 11/30/07

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, to amend Tax Law § 1210-D so as to authorize the County of Erie, during the period from March 1, 2006 to November 30, 2007, to impose sales and compensating use taxes at a further additional rate that is .5% above the permanent 3% rate otherwise authorized for all New York cities and counties and the temporary additional 1% rate authorized for Erie County pursuant to Tax Law § 1210 and the temporary additional .25% rate authorized for Erie County pursuant to Tax Law § 1210-D, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate amendment of the Erie County Sales and Use Tax Resolution for introduction in and adoption by this Honorable Body so as to

impose sales and compensating use taxes at a further additional rate that is .5% above the permanent 3% rate otherwise authorized for all New York cities and counties and the temporary additional 1% rate authorized for Erie County pursuant to Tax Law § 1210 and the temporary additional .25% rate authorized for Erie County pursuant to Tax Law § 1210-D, and be it further

E-911 WIRELESS SURCHARGE MEMORIALIZING RESOLUTION

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate State Bills for introduction in and enactment by the New York State Assembly and Senate whereby the County of Erie would be authorized, as are numerous other New York counties, to impose a surcharge in an amount not to exceed thirty cents (\$0.30) per month on wireless communications service in this county effective on and after January 1, 2006, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate local law for introduction in and adoption by this Honorable Body imposing a surcharge in an amount not to exceed thirty cents (\$0.30) per month on each wireless communications device in Erie County, with said surcharge to be reflected and made payable on bills rendered for wireless communications service provided to customers whose place of primary use is within Erie County on and after January 1, 2006.

ADMINISTRATIVE SURCHARGE ON FEES CHARGED BY COUNTY CLERK

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, effective January 1, 2006, would be authorized to impose an administrative surcharge of \$5.00 on the fees presently charged by the County Clerk pursuant to Article 80 of the CPLR in connection with the following services: Filing of Demand for Jury Trial; Filing of Motion/Cross-Motion; Filing of Stipulation of Discontinuance; Filing of Note of Issue, Jury or Non-Jury; filing of Notice of Appeal; Filing of Request for Judicial Intervention [RJI], and; Filing Together of RJI and Note of Issue, Jury or Non-Jury, and be it further

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate legislation for introduction in and adoption by this Honorable Body so as to impose, effective January 1, 2006, an administrative surcharge of \$5.00 on the fees presently charged by the County Clerk pursuant to Article 80 of the CPLR in connection with the following services: Filing of Demand for Jury Trial; Filing of Motion/Cross-Motion; Filing of Stipulation of Discontinuance; Filing of Note of Issue, Jury or Non-Jury; filing of Notice of Appeal; Filing of Request for Judicial Intervention [RJI], and; Filing Together of RJI and Note of Issue, Jury or Non-Jury.

PISTOL PERMIT FEE--\$10

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby determines that, effective on and after January 1, 2006 and pursuant to the provisions of Penal Law Section 400.00(14), the fee in Erie County for each license to carry or possess a pistol or revolver shall be \$10.00.

INCREASE OF PROBATION FEES

NOW, THEREFORE BE IT

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate State Bills, for introduction in and enactment by the New York State Legislature, to amend the Executive Law so as to authorize the County of Erie to impose fees as follows for the Probation Department services indicated: Supervision/Administrative fee of \$35.00 per month for persons sentenced to probation, regardless of the nature of the underlying criminal offense(s); Drug/Alcohol Testing fee of \$50.00 per probationer; Electronic Monitoring fee of \$3.00 per day; Investigation fee of between \$50.00 and \$500.00 for all court-ordered investigations, including pre-sentence investigations in criminal cases, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate local law for introduction in and adoption by this Honorable Body imposing fees as follows for the Probation Department services indicated: Supervision/Administrative fee of \$35.00 per month for persons sentenced to probation, regardless of the nature of the underlying criminal offense(s); Drug/Alcohol Testing fee of \$50.00 per probationer; Electronic Monitoring fee of \$3.00 per day; Investigation fee of between \$50.00 and \$500.00 for all court-ordered investigations, including pre-sentence investigations in criminal cases on and after January 1, 2006.

AMENDMENT OF GENERAL MUNICIPAL LAW SECTION 103

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be and hereby is directed, by a majority vote of this Honorable Body, to prepare appropriate State Bills, for introduction in and enactment by the New York State Legislature, to amend General Municipal Law Section 103 to provide for procurement practices that will enable the County to buy goods and services more effectively and efficiently; and be it further

RESOLVED, that the State Bills, as prepared by the County Attorney, shall amend General Municipal Law Section 103 to specifically provide for: (a) procurement awards based on a life-cycle, best value analysis, as opposed to just low price; and (b) on-line reverse auctions to determine the lowest responsible bidder for standardized, widely available goods; and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a majority vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate.

ERIE COUNTY MOTOR VEHICLE USE TAXES

WHEREAS, pursuant to Sections 1202(a) & 1201(e) of the NY Tax Law, Erie County is authorized to impose taxes on the use of passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County at a rate per annum for each such vehicle of not in excess of \$5.00 if such vehicle weighs 3,500 pounds or less and not in excess of \$10.00 per annum if such vehicle weighs more than 3,500 pounds; and taxes on the use of trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on within Erie County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof, at a rate per annum for each such vehicle of not

in excess of \$10.00, and

NOW, THEREFORE, the Erie County Legislature hereby adopts the following resolution by a two-thirds affirmative vote:

RESOLVED:

SECTION 1. TITLE

This resolution shall be known as the Erie County Motor Vehicle Use Taxes Resolution.

SECTION 2. DEFINITIONS

- A. "Passenger Motor Vehicle" - any motor vehicle subject to the registration fee as provided for in Section 401 Subdivision 6 of the New York State Vehicle and Traffic Law, as amended.
- B. "Buses" - The term buses shall have the same meaning as defined in Section 104 of the New York State Vehicle and Traffic Law, as amended.
- C. "Truck" - The term truck shall have the same meaning as defined in Section 158 of the New York State Vehicle and Traffic Law, as amended.

SECTION 3. IMPOSITION OF MOTOR VEHICLE USE TAXES

- A. Pursuant to Sections 1201(e) and 1202(a) & (c) of the New York State Tax Law, as amended, Motor Vehicle Use Taxes are hereby imposed on the use of motor vehicles in accordance with the following schedule:
 - 1. A tax of five dollars (\$5.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County, and weighing thirty-five hundred (3,500) pounds or less.
 - 2. A tax of ten dollars (\$10.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County, and weighing more than thirty-five hundred (3,500) pounds.
 - 3. A tax of ten dollars (\$10.00) per year for trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on within Erie County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.
- B. The taxes shall be paid for all registrations and renewals of registrations for which the registration fee is established in Section 401(6) or 401(7) of the New York State Vehicle and Traffic Law, as amended.
 - 1. The taxes shall be applicable to original or renewal registration transactions only,

and not to re-registration transactions. If a fee for a re-registration transaction is due, no Erie County Motor Vehicle Use Taxes shall be due on that transaction.

2. The applicability of such taxes shall be determined based upon the information on the application for registration, as well as any additional documentation required by the New York State Commissioner of Motor Vehicles.
3. The receipt of payment for such taxes may be the registration certificate, whether or not it indicates the amount of the taxes paid.

SECTION 4. EXEMPTIONS

- A. A tax imposed by this resolution shall not be imposed upon any vehicle exempt from the registration fee pursuant to the New York State Vehicle and Traffic Law, as amended, or upon any vehicle registered with Farm or Agricultural plates.
- B. The tax imposed by this resolution shall not be imposed upon not-for-profit, religious, charitable, or educational organizations qualified for exemption with the New York State Department of Taxation and Finance.
- C. Application for exemption from the Erie County Motor Vehicle Use Taxes must be on Form UT-11C and filed with the Erie County Clerk's Office.

SECTION 5. ADMINISTRATION AND COLLECTION OF TAXES BY COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

- A. As authorized under Section 1202(c) of the New York State Tax Law, as amended, the Erie County Motor Vehicle Use Taxes shall be administered and collected on behalf of Erie County by the Commissioner of the New York State Department of Motor Vehicles or his agent.
- B. Pursuant to Section 1202(c) of the New York State Tax Law, as amended, the Commissioner of the New York State Department of Motor Vehicles is authorized, on behalf of Erie County, to make the payment of such taxes a condition precedent to the registration or registration renewal of any motor vehicles subject to the taxes imposed by this resolution.
- C. The County Executive is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles for the implementation of this resolution.
- D. Said agreement shall provide for the exclusive method of collection, custody and remittal of the proceeds of such taxes; for the payment by Erie County of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the collection and administration of said taxes; and for the New York State Department of Motor Vehicles periodically to provide an accounting to the appropriate Erie County fiscal officer summarizing revenues collected and

administrative expenses actually incurred by said department pursuant to such agreement.

- E. Said agreement shall set forth in detail, policies and procedures for collection for underpayment and for deposit and retention of funds and indemnification.
- F. Said agreement shall provide for such other matters as may be necessary and proper to effectuate the purposes of this resolution.

SECTION 6. RECOVERY OF TAXES

Wherever any person fails to pay the taxes due hereunder, proceedings to recover such taxes, as well as any applicable penalties and/or interest, shall be the responsibility of Erie County, as shall be set forth in the said agreement. A final penalty schedule shall be subject to the approval of the Erie County Legislature.

SECTION 7. SEVERABILITY

If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provisions to other persons and circumstances shall not be affected thereby.

SECTION 8. EFFECTIVE DATE

This resolution shall take effect immediately and the taxes imposed hereunder shall be collected upon the registration or registration renewal, on and after January 1, 2006, of any motor vehicle subject to the taxes imposed by this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Fiscal Stability Authority, County Executive, County Comptroller, County Clerk, Division of Budget, Management and Finance, County Attorney.

MS. MARINELLI moved to amend the item. MR. DeBENEDETTI seconded.

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

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

CARRIED.

AN AMENDMENT TO COMM. 28E-6
 TO BE SUBMITTED BY LEGISLATOR HOLT

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

RE: REVENUE INITIATIVES TO IMPLEMENT FY 2005 AND FY 2006 FOUR YEAR FINANCIAL PLAN

DELETE the resolution in its entirety and **REPLACE** with the following:

WHEREAS, the Erie County Fiscal Stability Authority Act ("ECFSA") requires the County of Erie to adopt a four year financial plan for FY2005 by October 1, 2005 ("FY2005 Four Year Financial Plan") which outlines how the County will achieve balanced budgets on a consistent and sustained basis; and

WHEREAS, the FY2005 Four Year Financial Plan was adopted by the Erie County Legislature on September 29, 2005; and

WHEREAS, the FY2005 Four Year Financial Plan as adopted by the Erie County Legislature listed several initiatives to increase revenues and decrease expenses in order to restore fiscal stability to Erie County; and

WHEREAS, the proposed FY2006 Four Year Financial Plan also contains several initiatives to restore fiscal stability to Erie County; and

WHEREAS, the implementation of some of these initiatives will require the imposition of new and/or increased taxes and fees charged by the County, together with authorizing amendments of New York State law.

FURTHER ADDITIONAL .5% SALES TAX FOR PERIOD 1/1/06 TO 11/30/07

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, to amend Tax Law § 1210-D so as to authorize the County of Erie, during the period from January 1, 2006 to November 30, 2007, to impose sales and compensating use taxes at a further additional rate that is .5% above the permanent 3% rate otherwise authorized for all New York cities and counties and the temporary additional 1% rate authorized for Erie County pursuant to Tax Law § 1210 and the temporary additional .25% rate authorized for Erie County pursuant to Tax Law § 1210-D, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate amendment of the Erie County Sales and

Use Tax Resolution for introduction in and adoption by this Honorable Body so as to impose sales and compensating use taxes at a further additional rate that is .5% above the permanent 3% rate otherwise authorized for all New York cities and counties and the temporary additional 1% rate authorized for Erie County pursuant to Tax Law § 1210 and the temporary additional .25% rate authorized for Erie County pursuant to Tax Law § 1210-D, and be it further

E-911 WIRELESS SURCHARGE MEMORIALIZING RESOLUTION

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate State Bills for introduction in and enactment by the New York State Assembly and Senate whereby the County of Erie would be authorized, as are numerous other New York counties, to impose a surcharge in an amount not to exceed thirty cents (\$0.30) per month on wireless communications service in this county effective on and after January 1, 2006, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate local law for introduction in and adoption by this Honorable Body imposing a surcharge in an amount not to exceed thirty cents (\$0.30) per month on each wireless communications device in Erie County, with said surcharge to be reflected and made payable on bills rendered for wireless communications service provided to customers whose place of primary use is within Erie County on and after January 1, 2006.

ADMINISTRATIVE SURCHARGE ON FEES CHARGED BY COUNTY CLERK

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, effective January 1, 2006, would be authorized to impose an administrative surcharge of \$5.00 on the fees presently charged by the County Clerk pursuant to Article 80 of the CPLR in connection with the following services: Filing of Demand for Jury Trial; Filing of Motion/Cross-Motion; Filing of Stipulation of Discontinuance; Filing of Note of Issue, Jury or Non-Jury; filing of Notice of Appeal; Filing of Request for Judicial Intervention [RJI], and: Filing Together of RJI and Note of Issue, Jury or Non-Jury, and be it further

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RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate legislation for introduction in and adoption by this Honorable Body so as to impose, effective January 1, 2006, an administrative surcharge of \$5.00 on the fees presently charged by the County Clerk pursuant to Article 80 of the CPLR in connection with the following services: Filing of Demand for Jury Trial; Filing of Motion/Cross-Motion; Filing of Stipulation of Discontinuance; Filing of Note of Issue, Jury or Non-Jury; filing of Notice of Appeal; Filing of Request for Judicial Intervention [RJI], and: Filing Together of RJI and Note of Issue, Jury or Non-Jury.

PISTOL PERMIT FEE--\$10

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby determines that, effective on and after January 1, 2006 and pursuant to the provisions of Penal Law Section 400.00(14), the fee in Erie County for each license to carry or possess a pistol or revolver shall be \$10.00.

INCREASE OF PROBATION FEES

NOW, THEREFORE BE IT

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate State Bills, for introduction in and enactment by the New York State Legislature, to amend the Executive Law so as to authorize the County of Erie to impose fees as follows for the Probation Department services indicated: Supervision/Administrative fee of \$35.00 per month for persons sentenced to probation, regardless of the nature of the underlying criminal offense(s); Drug/Alcohol Testing fee of \$50.00 per probationer; Electronic Monitoring fee of \$3.00 per day; Investigation fee of between \$50.00 and \$500.00 for all court-ordered investigations, including pre-sentence investigations in criminal cases, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

would specifically request the enactment of said State Bills by the New York State Assembly and Senate, and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a two-thirds vote of this Honorable Body, to prepare an appropriate local law for introduction in and adoption by this Honorable Body imposing fees as follows for the Probation Department services indicated: Supervision/Administrative fee of \$35.00 per month for persons sentenced to probation, regardless of the nature of the underlying criminal offense(s); Drug/Alcohol Testing fee of \$50.00 per probationer; Electronic Monitoring fee of \$3.00 per day; Investigation fee of between \$50.00 and \$500.00 for all court-ordered investigations, including pre-sentence investigations in criminal cases on and after January 1, 2006.

AMENDMENT OF GENERAL MUNICIPAL LAW SECTION 103

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be and hereby is directed, by a majority vote of this Honorable Body, to prepare appropriate State Bills, for introduction in and enactment by the New York State Legislature, to amend General Municipal Law Section 103 to provide for procurement practices that will enable the County to buy goods and services more effectively and efficiently; and be it further

RESOLVED, that the State Bills, as prepared by the County Attorney, shall amend General Municipal Law Section 103 to specifically provide for: (a) procurement awards based on a life-cycle, best value analysis, as opposed to just low price; and (b) on-line reverse auctions to determine the lowest responsible bidder for standardized, widely available goods; and be it further

RESOLVED, that the County Attorney be and hereby is directed, by a majority vote of this Honorable Body, to prepare appropriate home rule request resolutions for introduction in and adoption by this Honorable Body whereby the County of Erie would specifically request the enactment of said State Bills by the New York State Assembly and Senate.

ERIE COUNTY MOTOR VEHICLE USE TAXES

WHEREAS, pursuant to Sections 1202(a) & 1201(e) of the NY Tax Law, Erie County is authorized to impose taxes on the use of passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County at a rate per annum for each such vehicle of not in excess of \$5.00 if such vehicle weighs 3,500 pounds or less and not in excess of \$10.00 per annum if such vehicle weighs more than 3,500 pounds; and taxes on the use of trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on

within Erie County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof, at a rate per annum for each such vehicle of not in excess of \$10.00, and

NOW, THEREFORE, the Erie County Legislature hereby adopts the following resolution by a two-thirds affirmative vote:

RESOLVED:

SECTION 1. TITLE

This resolution shall be known as the Erie County Motor Vehicle Use Taxes Resolution.

SECTION 2. DEFINITIONS

- A. "Passenger Motor Vehicle" - any motor vehicle subject to the registration fee as provided for in Section 401 Subdivision 6 of the New York State Vehicle and Traffic Law, as amended.
- B. "Buses" - The term buses shall have the same meaning as defined in Section 104 of the New York State Vehicle and Traffic Law, as amended.
- C. "Truck" - The term truck shall have the same meaning as defined in Section 158 of the New York State Vehicle and Traffic Law, as amended.

SECTION 3. IMPOSITION OF MOTOR VEHICLE USE TAXES

- A. Pursuant to Sections 1201(e) and 1202(a) & (c) of the New York State Tax Law, as amended, Motor Vehicle Use Taxes are hereby imposed on the use of motor vehicles in accordance with the following schedule:
 - 4. A tax of five dollars (\$5.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County, and weighing thirty-five hundred (3,500) pounds or less.
 - 5. A tax of ten dollars (\$10.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County, and weighing more than thirty-five hundred (3,500) pounds.
 - 6. A tax of ten dollars (\$10.00) per year for trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on within Erie County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.
- B. The taxes shall be paid for all registrations and renewals of registrations for which the registration fee is established in Section 401(6) or 401(7) of the New York State Vehicle and Traffic Law, as amended.

4. The taxes shall be applicable to original or renewal registration transactions only, and not to re-registration transactions. If a fee for a re-registration transaction is due, no Erie County Motor Vehicle Use Taxes shall be due on that transaction.
5. The applicability of such taxes shall be determined based upon the information on the application for registration, as well as any additional documentation required by the New York State Commissioner of Motor Vehicles.
6. The receipt of payment for such taxes may be the registration certificate, whether or not it indicates the amount of the taxes paid.

SECTION 4. EXEMPTIONS

- A. A tax imposed by this resolution shall not be imposed upon any vehicle exempt from the registration fee pursuant to the New York State Vehicle and Traffic Law, as amended, or upon any vehicle registered with Farm or Agricultural plates.
- B. The tax imposed by this resolution shall not be imposed upon not-for-profit, religious, charitable, or educational organizations qualified for exemption with the New York State Department of Taxation and Finance.
- C. Application for exemption from the Erie County Motor Vehicle Use Taxes must be on Form UT-11C and filed with the Erie County Clerk's Office.

SECTION 5. ADMINISTRATION AND COLLECTION OF TAXES BY COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

- A. As authorized under Section 1202(c) of the New York State Tax Law, as amended, the Erie County Motor Vehicle Use Taxes shall be administered and collected on behalf of Erie County by the Commissioner of the New York State Department of Motor Vehicles or his agent.
- B. Pursuant to Section 1202(c) of the New York State Tax Law, as amended, the Commissioner of the New York State Department of Motor Vehicles is authorized, on behalf of Erie County, to make the payment of such taxes a condition precedent to the registration or registration renewal of any motor vehicles subject to the taxes imposed by this resolution.
- C. The County Executive is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles for the implementation of this resolution.
- D. Said agreement shall provide for the exclusive method of collection, custody and remittal of the proceeds of such taxes; for the payment by Erie County of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the collection and administration of said taxes; and for the New

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

York State Department of Motor Vehicles periodically to provide an accounting to the appropriate Erie County fiscal officer summarizing revenues collected and administrative expenses actually incurred by said department pursuant to such agreement.

- E. Said agreement shall set forth in detail, policies and procedures for collection for underpayment and for deposit and retention of funds and indemnification.
- F. Said agreement shall provide for such other matters as may be necessary and proper to effectuate the purposes of this resolution.

SECTION 6. RECOVERY OF TAXES

Wherever any person fails to pay the taxes due hereunder, proceedings to recover such taxes, as well as any applicable penalties and/or interest, shall be the responsibility of Erie County, as shall be set forth in the said agreement. A final penalty schedule shall be subject to the approval of the Erie County Legislature.

SECTION 7. SEVERABILITY

If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provisions to other persons and circumstances shall not be affected thereby.

SECTION 8. EFFECTIVE DATE

This resolution shall take effect immediately and the taxes imposed hereunder shall be collected upon the registration or registration renewal, on and after January 1, 2006, of any motor vehicle subject to the taxes imposed by this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Fiscal Stability Authority, County Executive, County Comptroller, County Clerk, Division of Budget, Management and Finance, County Attorney.

GOLF FEES INCREASES RESOLUTION

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby approves the following schedule of golf fees, effective on and after January 1, 2006:

GOLF FEES

<u>ELMA MEADOWS:</u>	<u>2005 RATE</u>	<u>2006 RATE</u>
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MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Regular Season Permits	\$300	\$350
Senior/Youth Season Permits	\$240	\$290
Senior/Youth Daily Permit	\$6	\$10
Weekday Green Fees	\$12	\$16
Weekend/Holiday Green Fees	\$15	\$19
Sr/Yth Green Fees W/Dly Permit	\$8	\$11
Reservation Card	\$25	\$30
Tee Time Assessment	\$2	\$2
Golf Cart Rental-18 hole	\$22	\$22
Golf Cart Rental-9 hole	\$12	\$12
Pull Cart Rental	\$3	\$5
Club Rental	\$10	\$10

GROVER CLEVELAND:	<u>2005 RATE</u>	<u>2006 RATE</u>
Regular Season Permits	\$190	\$240
Senior/Youth Season Permits	\$160	\$210
Senior/Youth Daily Permits	\$6	\$10
Weekday Green Fees	\$10	\$14
Weekend/Holiday Green Fees	\$12	\$16
Sr/Yth Green Fees W/Dly Permit	\$8	\$11
Tee Time Assessment	\$2	\$2
Golf Cart Rental-18 hole	\$22	\$22
Golf Cart Rental-9 hole	\$12	\$12
Pull Cart Rental	\$3	\$5
Club Rental	\$10	\$10

CAMPING FEES INCREASES RESOLUTION

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby approves the following schedule of camping fees for Erie County Parks, effective on and after January 1, 2006:

CAMPING FEES

	<u>2005 Rate</u>	<u>2006 Rate</u>
Non-electric sites	\$12	\$13
Electric sites	\$15	\$20

ISLEVIEW BOAT LAUNCH FEE RESOLUTION

NOW, THEREFORE, BE IT FURTHER

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby establishes and imposes, effective on and after January 1, 2006, a boat launch fee in the sum of \$6.00 for each marine vehicle launched at Isleview Park, and be it further

ENVIRONMENT & PLANNING FEES RESOLUTION

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby establishes and imposes, effective on and after January 1, 2006, a fee of One Hundred Dollars (\$100.00) for each referral to the Department of Environment and Planning, for review, recommendation and report as Erie County's Planning Agency pursuant to General Municipal Law Sections 239-l and 239-m, of any of the proposed planning and zoning actions initiated by a third-party application which are subject to the referral requirements of said sections of law, and be it further

RESOLVED, that the person or entity initiating such proposed planning or zoning actions shall pay such fee in-advance to the city, town or village making the referral, and such fee shall thereupon be remitted to the Department of Environment and Planning with each referral.

CIVIL SERVICE EXAMINATION FEES RESOLUTION

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby establishes and imposes, effective on and after January 1, 2006, a uniform schedule of fees to be paid in-advance to the Department of Personnel by each applicant for examination for civil service positions, as follows:

CIVIL SERVICE EXAMINATION FEES

<u>Decentralized</u> <u>Examinations</u>	<u>State Scheduled</u> <u>Examinations</u>	<u>Uniformed</u> <u>Services</u>
\$5.00 for JG 4 and below	\$10.00	\$12.50
\$10.00 for JG 5 and above		

HEALTH DEPARTMENT FEES RESOLUTION

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the Erie County Legislature, by a two-thirds affirmative vote, hereby approves, adopts and ratifies, subject to such further approval as may be required by law, the following schedules of Environmental Health Fees and Public Health Laboratory Fees, to be effective on and

after January 1, 2006, in lieu of and in substitution for the fees and waiver provisions found in Section 11 of the Erie County Sanitary Code:

ENVIRONMENTAL HEALTH FEE SCHEDULE

TYPE OF LICENSE, PERMIT OR INSPECTION	Current Fee	2006 Fee
Water Bottlers	\$150	\$300
Plan Rev.: Non-Municipal Water	\$113	\$226
Hotels & Motels:		
0-30 Rooms	\$98	\$196
31-100 Rooms	\$188	\$376
Over 100 Rooms	\$300	\$600
Food Service: 0-50 Seats	\$98	\$196
Over 50 Seats	\$188	\$376
Pools	\$188	\$376
Whirlpools	\$68	\$136
Mobile Home Parks:		
0-25 Sites	\$98	\$196
26-100 Sites	\$188	\$376
Over 100 Sites	\$300	\$600
Migrant Labor Camps:		
0-9 Units	\$188	\$376
Over 9 Units	\$300	\$600
Food Service Establishments:		
Taverns - No Food Prep	\$53	\$79
0-50 Seats	\$98	\$147
Over 50 Seats	\$188	\$282
Food Commissaries:		
Food Prep. & Storage	\$188	\$282
Food Storage Only	\$53	\$79
Caterers	\$188	\$282
Mobile Units	\$98	\$147
Frozen Dessert	\$25	\$37
Children's Camp	\$100	\$100
Tattoo Establishments	\$50	\$100
Tattoo Artists	\$25	\$50

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Campsites:			
	Campsites:	\$150	\$300
	Food Service: 0-50 Seats	\$98	\$196
	Over 50 Seats	\$188	\$376
	Pools	\$188	\$376
Pools, Bathing Beaches		\$188	\$376
Whirlpools		\$68	\$136
Temporary Permits: Application received five or more days prior to the start of the event			
	1-3 Days	\$53	\$106
	4-7 Days	\$60	\$120
	Over 7 Days	\$75	\$150
Temporary Permits: Application received less than five days prior to the start of the event			
	1-3 Days	\$73	\$146
	4-7 Days	\$80	\$160
	Over 7 Days	\$95	\$190
Plan Review: Food Service		\$98	\$147
Plan Review: Pools, Beaches		\$150	\$300
Plan Review: Hotels, Motels		\$338	\$676
Plan Review: Mobile Homes		\$150	\$300
Plan Review: Campsites		\$150	\$300
Plan Review: New Sewer, per lot or housing unit		\$0	\$50
Plan Review: Subdivisions		\$25	\$25
Rooming Houses		\$75	\$150
Individual Water & Sewer		\$150	\$300
Property Transfers:			
	Individual Sewage	\$150	\$300
	Individual Water	\$98	\$196
	New Construction	\$150	\$300

NOTE: The cumulative fee for a single operator at a single event or at a single location shall not exceed a maximum of \$1,000

PUBLIC HEALTH LABORATORY FEE SCHEDULE

ANALYTE	MATRIX	METHOD	Current Fee	2006 Fee
Inorganic Chemistry Analyses				
Color	DW / WW	SM20 (2120 B)	\$5.10	\$6.00
pH	DW	SM20 (4500-H B)	\$10.20	\$12.00
Alkalinity	DW	USGS I-1030-85	\$20.40	\$24.00
Alkalinity	WW	SM20 (2320 B)	\$20.40	\$24.00
Total Solids	WW	SM20 (2540 B)	\$10.20	\$12.00
Total Dissolved Solids	DW / WW	SM20 (2540 C)	\$10.20	\$12.00
Total Suspended Solids	WW	SM20 (2540 D)	\$10.20	\$12.00
Settleable Solids	WW	SM20 (2540F)	\$10.20	\$12.00
Calcium Hardness	DW	SM19 (3500-Ca D)	\$10.20	\$12.00
Total Hardness	WW	SM20 (2340 C)	\$10.20	\$12.00
Chloride	DW/WW	SM20 (4500-Cl B)	\$10.20	\$12.00
Cyanide	DW	SM20 (4500-Cn F)	\$20.40	\$24.00
Fluoride	DW / WW	SM20 (4500-F-C)	\$20.40	\$24.00
Nitrate	DW / WW	Lachet 10-107-04-1	\$15.30	\$18.00
Nitrite	DW	SM20 (4500 NO2-B)	\$10.20	\$12.00
Nitrite	WW	Hach 8507	\$10.20	\$12.00
Orthophosphates	DW	Hach 8048	\$10.20	\$12.00
Orthophosphates	WW	SM20 (4500-P E)	\$10.20	\$12.00
Sands (Check Filters)	Sand	NA	\$10.20	\$12.00
Sulfate	DW	SM20 (4500-SO4 E)	\$10.20	\$12.00

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Sulfate	WW	SM15 426 C	\$10.20	\$12.00
Sulfide	WW	SM20 (4500-S D)	\$10.20	\$12.00
Turbidity	WW	SM20 (2130 B)	\$10.20	\$12.00
METALS*				
Aluminum	WW	SM20 (3111 D)	\$10.20	\$12.00
Antimony	DW	EPA 200.9	\$10.20	\$12.00
Arsenic	DW / WW	EPA 200.9	\$10.20	\$12.00
Barium	DW	SM20 (3111 D)	\$10.20	\$12.00
Beryllium	DW	EPA 200.9	\$10.20	\$12.00
Cadmium	DW / WW	EPA 200.9	\$10.20	\$12.00
Chromium	DW	EPA 200.9	\$10.20	\$12.00
Chromium	WW	SM19 (3111 B)	\$10.20	\$12.00
Copper	DW / WW	SM19 (3111 B)	\$10.20	\$12.00
Iron	DW / WW	SM19 (3111 B)	\$10.20	\$12.00
Lead	DW / WW	EPA 200.9	\$10.20	\$12.00
Lead	Soil/Paint	SW-846 7420	\$10.20	\$12.00
METALS* (cont.)				
Lead	Dust	APP.14.2,HUD 6/95	\$10.20	\$12.00
Manganese	DW/WW	SM19 (3111 B)	\$10.20	\$12.00
Mercury	DW/WW	SM19 (3112 B)	\$20.40	\$24.00
Nickel	DW/WW	SM19 (3111 B)	\$10.20	\$12.00
Selenium	DW/WW	EPA 200.9	\$10.20	\$12.00
Silver	DW/WW	SM19 (3111 B)	\$10.20	\$12.00
Sodium	DW/WW	SM19 (3111 B)	\$10.20	\$12.00
Thallium	DW	EPA 200.9	\$10.20	\$12.00
Zinc	DW / WW	SM19 (3111 B)	\$10.20	\$12.00
Organic Chemistry Analyses				
Dalapon	DW	EPA 552.2	\$25.50	\$30.00
Trihalomethanes	DW	EPA 524.2	\$40.80	\$48.00
Total Volatile Organic Compounds (VOCs)	DW	EPA 524.2	\$102.00	\$120.00
Haloacetic acids	DW	EPA 552.2	\$127.50	\$150.00

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Bacteriologic Analyses				
Standard Plate Count	DW/WW	SM18 (9215 B)	\$15.30	\$18.00
Coliform, Total (Colilert)	DW	SM20 (9223)	\$10.20	\$12.00
Coliform, Total (Filter)	Non-potable	SM20 (9222 B)	\$15.30	\$18.00
Coliform, Fecal (Filter)	Non-potable	SM20 (9222 D)	\$15.30	\$18.00
E. coli (Filter-mTEC)	Non-potable	EPA 1603	\$15.30	\$18.00
Coliform, Total-MPN	WW-Turbid	SM20 (9221 B)	\$25.50	\$30.00
Coliform, Fecal-MPN	WW-Turbid	SM20 (9221 C)	\$25.50	\$30.00
BOD-Biological Oxygen Demand	WW	SM20 (5210 B)	\$25.50	\$30.00
COD-Chemical Oxygen Demand	WW	HACH 8000	\$25.50	\$30.00
Frozen Dessert (TC/SPC)	Frozen Dairy	SM Dairy Products, 16 th ed	\$10.20	\$12.00
Restaurant Swab (TC/SPC)	—	SM Dairy Products, 16 th ed.	\$10.20	\$12.00
Biological Air Monitoring (Mass Gathering: 50,000-100,000 people)	—	Microbial Impactor	\$510.00	\$600.00
Biological Air Monitoring (Mass Gathering: 10,000-49,000 people)	—	Microbial Impactor	\$306.00	\$360.00
Biological Air Monitoring (Mass Gathering: Less than 10,000 people)	—	Microbial Impactor	\$153.00	\$180.00
Community Environmental Health Laboratory Service Testing Packages				
Potable Well Water Testing Package (includes total coliform/E. coli; nitrate; and lead analysis)	DW		\$45.90	\$54.00
Enhanced Potable Well Water Testing Package (includes Potable Well Water Package + volatile solvents [petroleum] analysis)	DW		\$147.90	\$174.00
Potable Water Heavy Metal Testing Package (includes antimony, arsenic, barium, beryllium, cadmium, chromium, copper, iron, lead, manganese, mercury,				\$228.00
nickel, selenium, silver, sodium, thallium, zinc)	DW		\$193.80	

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Mortgage Well Water Testing Package (includes total coliform E. coli; nitrate; nitrite; and lead analysis)	DW	\$56.90	\$66.94
Recreational Water Bacterial Testing Package (includes fecal coliform; E. coli analysis)		\$30.60	\$36.00
Environmental Lead Testing Package (includes testing for lead in paint, dust swipe, drinking water and soil)		\$81.60	\$96.00

Test Name	CPT code	Current Fee	2006 Fee
Bacteriology			
Nucleic Acid Probe for GC/Ct (Male urine/female swab)	87491/87591	\$17.85	\$25.00
Stool Culture	87045	\$8.31	\$9.78
Urine Culture	87088	\$9.89	\$11.64
Antimicrobial Susceptibility	87184	\$6.72	\$7.91
Group B Strep Culture	87081	\$5.30	\$6.24
<i>N. gonorrhoeae</i> Culture	87081	\$5.30	\$6.24
Gram Stain Smear	87205	\$12.75	\$15.00
Sterility Test			
Wet Prep	87210	\$3.47	\$4.08
Clinical Chemistry			
Alkaline phosphatase, ALT, AST, GGT, Total Bilirubin, BUN, Total Cholesterol, Glucose, Total Protein, Uric Acid	80002	\$5.13	\$6.04
Urine Pregnancy (hCG)	81025	\$2.04	\$2.40
Diagnostic Immunology			
Hepatitis b Surface Antigen	86287	\$11.32	\$13.32
Hepatitis B Core Antibody	86289	\$10.30	\$12.12
Hepatitis B Surface Antibody	86291	\$10.30	\$12.12
Hepatitis A Antibody (IgM)	86299	\$10.20	\$12.00
Hepatitis C Antibody	86302	\$10.20	\$12.00
RPR	86592	\$3.57	\$4.20
VDRL (CSF Only)	86592	\$15.30	\$18.00
HIV-1 Antibody-EIA (serum)	86701	\$13.46	\$15.84
HIV-1 Antibody-EIA (oral fluid) with Orasure device	86701	\$18.67	\$21.96
Rubella Antibody	86762	\$16.23	\$19.09
Hematology			
Hemoglobin Electrophoresis	83020	\$14.99	\$17.64
Hematocrit	85013	\$2.04	\$2.40
Urinalysis			
Urinalysis w/ Microscopic	81002/15	\$6.12	\$7.20
Toxicology			

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Lead (GFAA)	83655	\$15.30	\$18.00
Erythrocyte Protoporphyrin (FEP)	84202	\$9.18	\$10.80
Shipping & Handling Charges			
Specimen Collection Supplies, Packaging, & Transport		\$12.15	\$14.29

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Fiscal Stability Authority, the County Executive, the County Comptroller, the County Clerk, the Commissioner of Health, the Erie County Board of Health, the Division of Budget, Management and Finance, the County Attorney, the Director of the Division of Information and Support Services, the Commissioner of the Department of Central Police Services, the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of Environment and Planning.

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

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

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

CARRIED.

Item 2 - Chairman Holt directed that the agenda be taken out of order and the next item to be taken for consideration would be the Committee Report for the Budget/Finance & Management Committee.

GRANTED.

MR. SMITH presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

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

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

CARRIED.

NOVEMBER 10, 2005

BUDGET/FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 1

ALL MEMBERS PRESENT.

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

1. RESOLVED, the Erie County Legislature does hereby approve Comm. 26E-1 (Copies available in the office of the Clerk of the Legislature) with the following attached amendment.

Whereas, the Erie County Legislature is looking to adjust the 2006 Executive Recommended Budget to reflect policy decisions made by its honorable members;

Whereas, these adjustments do not materially impact Erie County's 2006 four-year financial plan;

Therefore be it resolved that;

The attached amendments to the 2006 County Executive Recommended budget be made which:

- Reduce Personal Service Accounts by \$488,595 – per attached schedule
- Reduce parking fees by \$500,000
- Reduce Public Lab Fees by \$650,000
- Reduce the Risk Retention Fund by \$2,000,000
- Reduce Tourism, Visitors & Convention Services by \$450,000
- Reduce Sheriff's Motor Vehicle Equipment by \$175,000
- Reduce Highways – Other Expenses by \$500,000
- Reduce Fleet Services – Auto Supplies by \$700,000

Further, that certified copies of this resolution be sent to the Clerk of the Legislature, the Erie County Executive and the Director of the Division of Budget, Management & Finance.

Fund Center 100	Legislature			
Cost Center 1004040 Minority				Reduction
Position	Job Group	2006 Executive Request	Leg-Adopt	
Counsel (Legislature) PT	56	\$46,792	\$22,000	\$24,792
Fund Center 105	Division of Information and Support Services			
Cost Center 1052020 Application Support				
Position	Job Group	2006 Executive Request	Leg-Adopt	
SAP Business Process Engineer	13	\$64,884	\$0	\$64,884

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Fund Center 12610	Probation			
Cost Center 126010 Administrative Operations - Probation				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Principal Probation Officer	13	\$72,817	\$0	\$72,817
Senior Budget Examiner	13	\$67,952	\$0	\$67,952
Cost Center 1261020 Probation Services - Adult				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Probation Officer	11	\$0	\$54,945	(\$54,945)
Probation Officer	11	\$0	\$54,945	(\$54,945)
Fund Center 11510	Sheriff Division			
Cost Center 115010 Administration and Professional Services				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Executive Assistant-Public Relations Sheriff	10	\$54,076	\$0	\$54,076
Special Assistant to Sheriff	10	\$57,718	\$0	\$57,718
Junior Equal Employment Opportunity Specialist Sheriff	9	\$50,488	\$0	\$50,488
Fund Center 16410	Parks			
Cost Center 1641010 Administration - Parks				
Cost Center 1641015 Akron Falls Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641020 Chestnut Ridge Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Cost Center 1641025 Como Lake Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641030 Ellicott Creek Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641035 Elma Meadows Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	42	\$6,331	\$0	\$6,331
Cost Center 1641040 Emery Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641045 Isle View Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641050 Sprague Brook Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Cost Center 1641055 Wendt Beach Park				
Position	Job Group	2006 Executive Request	Leg-Adopt	
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT)	42	\$8,230	\$0	\$8,230
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331
Park Ranger (PT) Seasonal	44	\$6,331	\$0	\$6,331

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

			\$488,595
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Fund	Department	Fund Center	Account	Appropriations	2006 Executive Recommended	2006 Leg Adopt	Reduction
110	Risk Retention	16020	555050	Insurance Charges	\$3,500,000	\$1,500,000	\$2,000,000
110	Bureau of Fleet Services	10710	505600	Auto Supplies	\$1,700,000	\$1,000,000	\$700,000
110	Countywide		516000	Tourism, Visitors and Convention Services	\$1,450,000	\$1,000,000	\$450,000
110	Sheriff Division	11510	561440	Motor Vehicle Equipment	\$225,000	\$50,000	\$175,000
210	Highways (DPW)		530000	Other Expenses	\$3,100,000	\$2,600,000	\$500,000
					\$9,975,000	\$6,150,000	
					TOTAL SAVINGS:	\$3,825,000	\$3,825,000

(6-1) Legislator Wroblewski voted in the negative.

DEMONE A. SMITH
CHAIRMAN

Item 3 – MS. MARINELLI moved to receive and file tabled item Intro 28-2 as Amended.
 MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 4 - No items for reconsideration from previous meetings.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIRMAN HOLT

Item 5 – (Comm. 29E-1) Calling Special Meeting on 11/15/05

Received, Filed and Printed.

November 10, 2005

Kevin M. Kelley
 Clerk
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, NY 14202

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

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 on **TUESDAY NOVEMBER 15, 2005 at 4:00 PM** in the Erie County Legislature Chambers, 4th Floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will entail action on the Erie County Budget for 2006. This meeting will also include action on Revenue Initiatives to Implement the FY 2005 and FY 2006 Four-Year Financial Plan and other 2006 budget items as necessary.

Sincerely,

GEORGE A. HOLT
Chairman
Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 6 – (Comm. 29D-1) Special Meeting Notice

Received, Filed and Printed.

November 10, 2005

To: All Erie County Legislators
From: Kevin M. Kelley, Clerk of the Legislature
Subject: Special Meeting Notice -2006 Budget

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, NOVEMBER 15, 2005 at 4 :00 PM in the Erie County Legislature Chambers, 4th Floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will entail action on the Erie County Budget for 2006. This meeting will also include action on Revenue Initiatives to Implement the FY 2005 and FY 2006 Four-Year Financial Plan and other 2006 budget items as necessary.

MEMORIAL RESOLUTIONS

Item 7 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Mike McSkellney.

MEETING NO. 29
November 17, 2005

ERIE COUNTY LEGISLATURE

Item 8 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Kevin Kalvanowski.

Item 9 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Ruth Mooney.

ADJOURNMENT

Item 10 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until Thursday, November 23, 2005 at 2 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, November 23, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK