

MARCH 27, 2008

GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed and referred to the Finance & Management Committee:
  - a. INTRO 1-3 (2007)  
**IANNELLO:** Establishing an Employee Suggestion Program in Compliance with LL No. 5 - 2004  
(5-0)
  2. RESOLVED, the following items are hereby received and filed:
    - a. COMM. 1D-2 (2008)  
**INFORMATION & SUPPORT SERVICES:** Reply to Intro 22-2  
(5-0)
    - b. COMM. 1M-3 (2008)  
**NORM SKULSKI, RICK RHODES & HENRY MAZUREK:** Requesting the Erie County Legislature Petition the US GSA to Name the New Federal Courthouse "Lt. Colonel Matt Urban Courthouse"  
(5-0)
    - c. INTRO 2-5 (2008)  
**IANNELLO, REYNOLDS & LOUGHRAN:** Changes To The Sharing Formula Of The 1% Sales Tax With Cities, Towns And Villages  
(5-0)
    - d. COMM. 2D-5 (2008)  
**CLERK OF THE GOVERNMENT AFFAIRS COMMITTEE:** Refiling of the Fact-Finding Report Between Erie County and AFSCME Local 1095  
(5-0).
    - e. INTRO 4-4 (2008)  
**LOUGHRAN:** Settlement of Fact-Finder's Report of September 5, 2006  
(5-0)
- f. COMM. 4M-4 (2008)  
**MAYOR OF BUFFALO:** Buffalo and Erie County Public Library Board of Trustees Apointments  
(5-0)
- g. COMM. 4M-6 (2008)  
**KEVIN P. GAUGHAN:** Letter Concerning Addressing Legislature on His Study of Local Government  
(5-0)
- h. COMM. 5E-1 (2008)  
**COUNTY EXECUTIVE:** Letter Concerning AFSCME Contract Settlement  
(5-0)
- i. COMM. 5D-3 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- j. COMM. 5D-5 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(5-0)
- k. COMM. 5M-2 (2008)  
**NIAGARA ERIE REGIONAL COALITION:** Agenda Items for Meeting Held on 2/22/08  
(5-0)
- l. COMM. 5M-4 (2008)  
**TOWN OF MARILLA:** Copy of Certified Resolution Concerning Office of Elected Assessors  
(5-0)
- m. COMM. 5M-5 (2008)  
**NFTA:** NFTA Board Minutes  
(5-0)
- n. COMM. 5M-7 (2008)  
**ECIDA:** Notice of 3/10/08 Board of Directors Meeting  
(5-0)

- o. COMM. 6E-2 (2008)  
**WHYTE:** The Partnership for the Public Good 2008 Platform and Speakers Series  
(5-0)
- p. COMM. 6E-3 (2008)  
**WHYTE:** Letter Concerning Rules of the Legislature as they Pertain to the Proceedings of Session Held on March 6, 2008  
(5-0)
- q. COMM. 6D-1 (2008)  
**LEGISLATIVE COUNSEL & PARLIAMENTARIAN:** Rules of Order  
(5-0)
- r. COMM. 6M-4 (2008)  
**ECIDA:** Notification of Board of Directors Meeting  
(5-0)
- s. COMM. 6M-5 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Monthly Report and Monthly Activity Report for February 2008  
(5-0)
- t. COMM. 6M-9 (2008)  
**LUSTIG & BROWN, LLP:** Letter Concerning Support for Appointment of Cheryl A. Green to Position of Erie County Attorney  
(5-0)
- u. COMM. 6M-10 (2008)  
**PARTNERSHIP FOR THE PUBLIC GOOD:** Notice of Presentation Concerning Roles of City and County Control Boards  
(5-0)
- v. COMM. 6M-14 (2008)  
**HOLIMONT SNOWSPORTS SCHOOL:** Letter Concerning Support for Appointment of Cheryl A. Green to Position of Erie County Attorney  
(5-0)

2. COMM. 4E-5 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the 2008 Erie County Budget stipulated that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive, and

WHEREAS, The Administration has experienced tremendous difficulty recruiting a qualified candidate to serve as the County Attorney because the current salary is not competitive with what private sector employers are paying, and

WHEREAS, The University at Buffalo's (UB) Career Services Office indicates that UB Law Students that graduated in 2006, working for large firms, are earning a median salary of \$145,000, and

WHEREAS, these graduates are far less experienced than the pool of candidates being recruited by the Administration to serve as the next County Attorney, and

WHEREAS, two candidates recruited by the Administration have respectfully declined our offer to serve as the County Attorney because the salary did not meet their expectations, and

WHEREAS, the County Attorney represents and advises both the County Legislature and the Administration, and

WHEREAS, Erie County is a major entity with a \$1.4 billion budget that funds and supports thousands of employees, numerous departments and functions, thousands of assets, and serves nearly one million residents, and

WHEREAS, it is critical that an entity of this size has the most qualified and experienced Attorney to represent it and advise it.

NOW, THEREFORE, BE IT

RESOLVED, that the salary for the position of County Attorney is hereby authorized to increase to Step 5 for the title of County Attorney in Job Group 21, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget, Management, and Finance; and the Commissioner of Personnel.  
(4-1) Legislator Reynolds voted in the negative.

3. INTRO 5-3 (2008)

**MILLER-WILLIAMS**

WHEREAS, on January 28, 2008, the New York State Assembly approved by a vote of 140 to 1 an amendment to the Penal Law relative to the crime of aggravated harassment in the first degree; and

WHEREAS, on February 26, 2008, the New York State Senate approved this measure by a vote of 58-0; and

WHEREAS, this measure will reach the Governor's desk during the current legislative session in Albany; and

WHEREAS, this legislation amends section 240.31 of the New York State Penal Law with a new subdivision 5 that would add the etching, painting, drawing, placing or displaying of a noose on a building or other real property, without the express permission of the owner, to the ways of committing aggravated harassment in the first degree; and

WHEREAS, the noose is one of the most powerful and chilling symbols of racism, intimidation and violence directed toward African-Americans; and

WHEREAS, there have been numerous documented appearances of nooses around the United States in the wake of the "Jena 6" case in Louisiana; and

WHEREAS, two well-publicized incidents have taken place in New York State, one such incident in the locker room of the Hempstead police station on Long Island and another on the door of a Columbia University Teachers College professor in Manhattan; and

WHEREAS, the noose serves as a frightening reminder of the lynchings that took place in our nation's past and is being used by some individuals and groups today to intimidate and terrorize the recipients of this hateful symbol; and

WHEREAS, in the past the State Legislature amended the Penal Law to include incidents where swastikas and burning crosses were used with the intent to annoy, harass, alarm or threaten another individual; and

WHEREAS, this amendment to the Penal Law makes it clear that in New York State the threatening symbol of the noose will not be tolerated and will constitute a class E felony under New York's aggravated harassment statute.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of Assembly Bill 9480/Senate Bill 6499; and be it further

RESOLVED, that the Erie County Legislature urges Governor Eliot Spitzer to sign this measure into law when it reaches his desk; and be it further

RESOLVED, that the Clerk of the Erie County Legislature will forward certified copies of this resolution to Governor Eliot Spitzer, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver and the Western New York Delegation to the State Legislature.  
(5-0)

4. COMM. 6E-7 (2008)

**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Christopher M. Putrino to the position of Commissioner of Labor Relations.  
(5-0)

5. COMM. 6E-8 (2008)

**COUNTY EXECUTIVE**

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Cheryl A. Green to the position of County Attorney.  
(5-0)

**BARBARA MILLER-WILLIAMS  
CHAIR**