

Erie County Fiscal Stability Authority

Resolution No. 06-50

ORDERING A HIRING FREEZE UPON THE COUNTY OF ERIE

WHEREAS, section 3957 of the New York Public Authorities Law (“Public Authorities Law”) requires the County of Erie to develop a four-year financial plan for 2007-2010 for submission to the Erie County Fiscal Stability Authority (“ECFSA”); and

WHEREAS, the County of Erie presented its 2007-2010 four-year financial plan (“2007-2010 Plan”) to the ECFSA on October 18, 2006; and

WHEREAS, the ECFSA Finance Committee questioned Erie County Executive Joel Giambra and Erie County Budget Director James Hartman about the 2007-2010 Plan on October 23, 2006; and

WHEREAS, upon subsequently reviewing the 2007-2010 Plan, the ECFSA Finance Committee determined that it failed to project revenues and expenditures on the basis of reasonable and appropriate assumptions;

WHEREAS, on November 3, 2006, the ECFSA accepted this determination of its Finance Committee, and found that the Erie County Executive, acting as an agent of the County of Erie, violated Public Authorities Law section 3957(1) upon submitting the 2007-2010 Plan, which did not “contain actions sufficient to ensure with respect to the major operating funds for each fiscal year of the plan that annual aggregate operating expenses for such fiscal year shall not exceed annual aggregate operating revenues for such fiscal year”; and

WHEREAS, pursuant to Public Authorities Law Section 3959(1)(e), the ECFSA consequently imposed a control period over the County of Erie on November 3, 2006; and

WHEREAS, Public Authorities Law Section 3959(2)(c) authorizes the ECFSA, upon finding a hiring freeze essential to the adoption or maintenance of an Erie County budget or a four-year financial plan, to impose such a hiring freeze upon the County of Erie during a control period; and

WHEREAS, Public Authorities Law Section 3959(2)(n) further permits the ECFSA to issue binding orders to Erie County officials during a control period, to the extent that the ECFSA deems necessary or desirable in order to accomplish the purposes of the Erie County Fiscal Stability Authority Act (“ECFSA Act”); and

WHEREAS, such purposes of the ECFSA Act include, but are not limited to, timely and satisfactory implementation of an approved four-year financial plan;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA finds that the immediate imposition of a hiring freeze upon the County of Erie is essential and necessary to accomplish the purposes

of the ECFSA Act, particularly to achieve the adoption, timely implementation, and maintenance of a compliant four-year financial plan; and

BE IT ORDERED that the County Executive of the County of Erie shall immediately impose a hiring freeze on all positions in the County of Erie; and

BE IT FURTHER ORDERED that the County Executive may request the Chairman of the ECFSA to waive the hiring freeze on a case-by-case basis; and

BE IT FURTHER ORDERED the County Executive shall seek waiver of the hiring freeze only upon certifying in writing the necessity of filling a position in order to protect the health or safety of the County of Erie and its citizens, to comply with the Erie County Charter, to prevent the use of excessive overtime by County of Erie employees, or to produce revenue in excess of the cost of filling the position; and

BE IT FURTHER ORDERED that the Chairman of the ECFSA, upon reviewing the County Executive's certification and any other pertinent circumstances, may approve waiver of the hiring freeze with regard to one or more positions that he determines necessary and appropriate to be filled; and

BE IT FURTHER ORDERED that the County Executive shall officially notify all Commissioners, Department Heads, and any other employee of the County of Erie who possesses the authority to hire, that the ECFSA has issued this ORDER, which imposes a hiring freeze and retains full force and effect.

This resolution shall take effect immediately.

Stanley J. Keysa
Secretary

Date: November 3, 2006