

## **Erie County Fiscal Stability Authority**

Resolution No. 06-56

CONTINUING AND AMENDING 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 (the “County”) to develop a four-year financial plan for 2007-2010 for submission to the Erie County Fiscal Stability Authority (“ECFSA”); and

WHEREAS, the County 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 County Executive Joel Giambra and 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; and

WHEREAS, on November 3, 2006, the ECFSA accepted this determination of its Finance Committee, and found that the Erie County Executive (the “County Executive”), acting as an agent of the County, 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 on November 3, 2006; and

WHEREAS, Public Authorities Law section 3959(2)(c) authorizes the ECFSA to impose a hiring freeze upon the County during a control period; and

WHEREAS, the ECFSA imposed a hiring freeze upon the County when it unanimously adopted Resolution 06-50 on November 3, 2006; and

WHEREAS, Public Authorities Law section 3959(2)(n) further empowers 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 continuing a hiring freeze upon the County of Erie remains 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 shall continue the hiring freeze first imposed by Resolution 06-50 on November 3, 2006; and

**BE IT FURTHER ORDERED** that this hiring freeze still applies to all employment positions (“positions”) in the County; 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** that, also on a case-by-case basis:

- (a) the President of Erie Community College (“ECC”) may request the ECFSA to waive the hiring freeze with respect to a position at ECC;
- (b) the Executive Director of the Buffalo and Erie County Public Library (the “B&ECPL”) may request the ECFSA to waive the hiring freeze with respect to a position in the B&ECPL;
- (c) both Commissioners of the County Board of Elections (“Board of Elections”) may jointly request the ECFSA to waive the hiring freeze with respect to a position at the Board of Elections;
- (d) the County Sheriff (the “Sheriff”) may request the ECFSA to waive the hiring freeze with respect to a position in the County Sheriff’s Department;
- (e) the County Clerk may request the ECFSA to waive the hiring freeze with respect to a position in the Office of the County Clerk;
- (f) the County Comptroller may request the ECFSA to waive the hiring freeze with respect to a position in the Office of the County Comptroller;
- (g) the County District Attorney (“District Attorney”) may request the ECFSA to waive the hiring freeze with respect to a position in the Office of the District Attorney; and
- (h) the Chairperson of the County Legislature (the “Legislature”) may request the ECFSA to waive the hiring freeze with respect to a position in the Department of the Legislature; and

**BE IT FURTHER ORDERED** the President of ECC, the Executive Director of the B&ECPL, both Commissioners of the Board of Elections, the Sheriff, the County Clerk, the County Comptroller, the District Attorney, the Chairperson of the Legislature (individually, a “Responsible Official”), or the County Executive shall seek a waiver of the hiring freeze only upon certifying in writing the necessity of filling a position in order to:

- (1) protect the health or safety of the County of Erie and its citizens,
- (2) comply with the Erie County Charter or pertinent New York State or federal law,
- (3) prevent excessive overtime by County of Erie employees, or
- (4) produce revenue in excess of the cost of filling the position; and

**BE IT FURTHER ORDERED** that the Chairperson of the ECFSA, upon reviewing such certification submitted by a Responsible Official or the County Executive and any other pertinent

circumstances, may approve a waiver of the hiring freeze with regard to one or more positions that he or she 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 who possesses the authority to hire, that the ECFSA has issued this ORDER, which continues and amends the hiring freeze originally adopted via Resolution 06-50 on November 3, 2006, and which, other than as expressly amended herein, retains full force and effect.

This resolution shall take effect immediately.

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Stanley J. Keysa  
Secretary

Date: December 28, 2006