

April 29, 2008 Minutes of April 8, 2008 Reg. Mtg. apprvd. HUD Grant in HRC adopted; Gen. Fund SA for Leasehold Improve. at Millcreek Mall Library adopted; Gaming Fund SA for Leasehold Improve. at Millcreek Mall Library adopted; Gen Fund SA for Litigation Costs adopted; Dom. Rel. SA for Adjust IV-D Revenue adopted; C&Y Fund Budget Creation of New Line Items Due to Ct. Ord. Placements adopted; Gen Fund SA for Creation of Adm. Asst in Personnel adopted. First Rdgs: Fifth Floor Construction Prjct; Hotel Room Tax Rental Review; Gen Fund SA for Incr. Data Process. Costs in DA; Donation of Radeye Radiation Meters from NWPA; EMA SA for HAZMAT Telephone Svcs; Transfer to EMA for Telephone Expenditures; EMA Fund SA for Emerg. Svs Fees; Change in Grade of Rsk Mgmt Coord; Change in Salary for Sr. Sec. in MDJ Lefaiver; Rev. Exp. For Correction of Barg. Unit Status in Spec. Juv. Prob. In Sprt of Coop. Prjct. To Combine City & Cnty Emergency Centers and Emergency Operations Plans Tabled. Exonerating Taxes in McKean Twp, Washington Twp, Gen. McLane SD, Concord Twp, Wayne Twp, Corry Area SD, Girard Twp, Girard SD, Summit Twp, Fort LeBouef SD, Lawrence Pk Twp, Iroquois SD, Millcreek Twp & SD, Harborcreek Twp, Harbor Creek SD, Property No, 37-025-088.6-015.30 adopted. Aprvg. ICA btwn County of Erie & Municipal Airport Auth. adopted. Donald A. Calabrese and Barbara Chroscielewski apptd. to Regional Asset Funding Committee. Sale of Parcel from Repository approved.

ERIE COUNTY COUNCIL – Regular Meeting

Moment of Silence
For Stan Olander

Following the Pledge of Allegiance, Mr. Mitchell requested a moment of silence in honor of Stan Olander who passed away suddenly last week. Mr. Olander was a good friend of Mr. Mitchell's and a volunteer fireman who barely survived a fire in Corry several years ago which caused the death of another fireman. He provided great service to his community.

Mr. Smith, County Clerk, called the roll:

Members Present: Mr. Giles, Chairman
Mr. Cleaver, Vice Chairman
Mr. Fatica
Mr. Foust
Mr. Leone
Mrs. Loll
Mr. Mitchell

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Thomas Talarico, Council Solicitor
Sean Wiley, Director of Administration
Jim Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of
The Public

Ken Przepierski, 640 East 12th Street, Erie, referred to Ordinance 56 on the agenda and questioned why the County is paying for improvements to the property being leased at the mall for the library. Ordinance 57 also involves leasehold improvements and he questioned why the County doesn't find a place that doesn't need improvements. On Ordinance 61 dealing with Children & Youth Services Fund Budget Creation of Line Items Due to Court Ordered Placements, he feels there would probably be less money spent on foster care if kinship

placement was sought first. He asked about "creation of new line item" and the hotel tax review. Referring to Resolution 28, he thought the emergency operation situation was already finalized. He noted there were several tax exonerations on the agenda as well and wondered who owned all these trailer parks.

Renee Vendetti, Erie, stated that on March 25, 2008 Mr. Leone said it was too expensive to mail out agendas. Agendas are only being mailed to three people which amounts to \$30 yearly. Council's postage budget is \$1,100. She questioned why second readings have been in title only the last few Council meetings she attended. It was her understanding they should be read in their entirety and asked whether that has been changed.

Minutes

Mr. Foust moved to approve the minutes of the Regular Meeting held April 8, 2008. Mr. Leone seconded, and it carried in a unanimous roll call vote.

County Executive
Comments

Mr. DiVecchio, County Executive, submitted comments he will make at the Municipal Law Symposium on May 6, 2008 for inclusion in the minutes:

Good afternoon. It's a pleasure to be here. I'd like to thank the Knox law firm for inviting me to speak today at the Municipal Law Symposium. I am honored to be here, and to have this opportunity to share with you my vision for Erie County. Today, I'd like to talk about the future. Not the future of county government, but the future of our entire community. Not a short-term future, defined by a few years, but a long-term future, that calls on all of us, the civic and business leaders of our community, to leave a legacy to the generation that follows us.

I'd like to talk about a future of hope and opportunity, in a way that our county, our community, has not fully contemplated. What I'd like to talk about, then, are not the policies for twenty-ten -- though they are important -- but the vision, the strategic vision, for well into the future.

Forging a vision begins, as business writer Jim Collins points out, with facing some hard facts. And the hard facts that, in 2008, define the future of our community, are simply not as hopeful, nor are they as promising, as we would like them to be.

A study conducted by the Erie Community Foundation revealed these, alarming facts:

- 12 percent of Erie County residents, more than 32,000 people, live in poverty.
- For the City of Erie, almost 19 percent of the population, is living in poverty.
- In some census tracts in the City of Erie, poverty reached an astonishing rate of 32 to 45 percent.
- And a disproportionate number of children, especially African American and Hispanic children, are poor.

Now if you think these facts have nothing to do with you and me, nothing to do with those of us doing well in life, I'd like you to think again, and while you do, ponder these, hard facts.

As the Community Foundation study clearly demonstrated, poverty has a price we must all pay for, and pay dearly, especially given the fact that poverty has an undeniably, negative impact, on economic growth.

Poverty, as one of America's leading demographers, Harold Hodgkinson, has long maintained, is the leading driver of failure, both human, and economic.

Children growing up in poverty will have more health problems, will have higher rates of teen pregnancy, will be more inclined to criminal activity, and will be more likely to drop out of school. Our Office of Children and Youth is looking after the welfare of 3,300 children in our community. For each of one of those 3,300 children, it is estimated that it will cost about \$9,000 per year. If OCY has to take care of a child beginning at a young age, the cost easily exceeds \$100,000 by the time the child leaves the system. And, here's another fact that's absolutely tragic. The largest population in homeless shelters is former OCY children. If we can offer a way to help families into economic stability, we can keep families together, and ultimately, see the staggering OCY numbers start to decline.

In America as a whole, the cost of poverty has been estimated at \$500 billion dollars a year, or 3.8% of Gross Domestic Product. The cost of poverty in our own community, right here in Erie County, is in the millions. Of the \$351 million dollar Erie County budget, over 80 percent is tied to human services. I want you to think about that number for a moment, 80 percent, or over \$280 million dollars, is spent annually in Erie County on human services, which is almost three times the amount we spent on human services 10 years ago. We simply cannot continue on this path. I would not be doing my job, as County Executive, if I stepped aside and did nothing and watched those costs escalate year after year, placing an ever-increasing burden on the taxpayers. I'm asking you to join me in taking that leap that will transform our community into a forward thinking, progressive community filled not only with hope, but with aspirations.

But Erie County is not unique in the challenge that poverty, particularly child poverty, presents.

A key national trend, according to Hodgkinson, is that children make up a disproportionate number of those who are poor in America.

16 percent of all children in America, 12 million in all, are poor, with that rate climbing to 30 percent for African American children, and 29 percent for Hispanic children.

Again, in Erie County, not just the City of Erie, the rate of poverty for African American children is almost 47 percent, and for Hispanic children, almost 42 percent. Nearly half of the minority children in Erie County, live in poverty. In the 90's, the Carnegie Foundation reported that Erie, Pennsylvania, had one of the highest child poverty rates for minority children, in America. That's not a distinction any of us wants.

The educational and economic data are no less daunting.

College attendance rates for Erie County residents are 7.2 percent less than the national average, and 11.6 percent less than Allegheny County, a county, by the way, that has a thriving community college.

College attendance in the City of Erie is almost 12 percent less than the national average, and almost 14 percent less than the City of Pittsburgh.

And in terms of household income, the average for City households, is just over \$31,000, compared to an average income of just over \$42,000 for all American households, a difference of almost \$15,000. This means that the average U.S. household has an income 47% higher than the average household in our area.

Now what does all this mean? What do we do with all this data we've gathered?

Well, first we have to analyze the facts, before we can think strategically about them, and what our analysis tells us, is this:

We can, as the Community Foundation study stated, alleviate the cycle of poverty in our community, if we make quality education universally available from early childhood, up to, and including, adult training opportunities; and, if we can provide affordable health care for all, especially for the children who are left out of the current health care system.

It is critically important that our children enter school prepared to succeed, and those at the risk of failing at school, especially those children living in poverty, will need more than formal schooling to succeed. They will need mentoring and tutoring and after school and summer school support.

What the analysis tells us, as seen in the work of writers like Richard Florida, and economist Robert Lucas, is that the cities that succeed on a grand scale, the communities that thrive and prosper economically and culturally, are ones that have a disproportionate share of college graduates. They are communities that have a clustering of creative talent that spurs technical innovation, and economic growth.

And without this cluster of talent—which we have, just not in the concentration we need—our current businesses can't grow, new business can't be incubated, and other businesses can't be attracted to come to our community.

We need to grow, and attract, a more highly educated, more highly skilled pool of people -- a talent pool that makes poverty less prevalent and economic success more prominent. We need a talent pool capable of lifting a generation of children out of poverty, capable of stimulating an economic

renaissance for Erie County that is benchmarked, not to the national average, but to national success of the highest kind.

Finally, the analysis of the hard facts tells us that, to herald in this economic and educational renaissance, we need to establish an accessible, low cost, entry level institution to higher education. As stated in the Erie Community Foundation's report on the Community College and supported by the Gaps Analysis Committee by unanimous vote, "IT IS NO LONGER ACCEPTABLE TO DO NOTHING."

A community college would be utilized by all, but especially young people and adults who are faced with severe financial constraints, those who may not be able to handle the educational demands of a four-year institution, and those who may not be prepared to attend a traditional four-year college. I want to emphasize that community colleges do not compete with four-year universities for students. Community colleges prepare students to succeed at those universities. Community college operating philosophies dictate flexibility, innovation, creativity, and timely responsiveness. In an era of rapidly changing technologies, community colleges help local business and industry avoid obsolescence, thus aiding employee retention, increasing productivity, and promoting business retention in our community.

Another key factor in our economic success is the extension of the Erie International Airport runway. This project is undoubtedly one of the single most important project for our region. The economic impact is massive in terms of what it can do for our community. Increased passenger and cargo arrivals coming into our area will bring new dollars into our region. This will have a positive impact on our economy, resulting in new dollars being spent in our community, and new income generated in our region. With the purchase of jet fuel, parts, maintenance services, warehousing, labor and tourism, many will indirectly reap the benefits of additional planes flying into Erie. Based on studies of other airports and regions similar to Erie, we can expect a conservative multiplier of 1.6. This means that for every \$100 of new expenditures derived from increased airport operations resulting from the runway extension, the economy will experience a total impact of \$160. The projected conservative return on the County investment alone, of \$25.7 million, is expected to be \$5.9 million, which translates to a payback of a little over four years.

Let me speak for a moment about the County's philosophy relative to the sustainability of the economic vitality of the region. We have all noticed that the drift from manufacturing to service and tourism has been more pronounced in our area, but while we have lost major industries, we have developed a new balance in terms of how we see "quality of life." We have learned to ask the right questions about how we envision the economic future of the region. The Chinese have a saying, "In order to have better times, you must first imagine them." We imagine our piece of Northwest Pennsylvania as the sort of place where the quality of life is a more powerful influence than just a high standard of living. We have a positive, optimistic vision of the future. Achieving a good quality of life for our citizens requires that we deliver on a range of elements – access to employment, training and education, recreation and cultural opportunities, health services, social services, infrastructure, and a clean and safe environment.

We can achieve this improved and enhanced quality of life for our citizens by following the comprehensive plan developed by the Regional Assets Funding Committee. Their plan for unrestricted gaming funds is broken down into four categories. First, the unrestricted gaming funds will help provide financial stability and allow endowments to build capital or programming for some dedicated regional assets, such as the Erie Zoo, the Children's Museum, the Arts Council, the Erie Philharmonic, the Erie Playhouse, and the Erie Art Museum, and for civic and cultural events, special events, and public safety assets.

Second, the plan also includes monies for a human services initiative. Reducing poverty, promoting employment and career advancement, enhancing job training opportunities, improving access to quality healthcare, and helping non-profit corporations, are all part of the human services initiative. The third part of their plan allows for funding for transportation and education, which will include mass transit projects and community college costs. And finally, the plan submitted by the Regional Assets Funding Committee is asking for the creation of a Rainy Day fund to cover unanticipated costs associated with gaming or emergency projects.

The Gaming Revenue Authority has designated the restricted gaming revenues for major projects, such as the airport runway extension, as well as economic development and community projects and the establishment of a Revitalization Fund, which will be used as matching funds for various municipal infrastructure projects.

All of these items are designed to enhance the quality of life for all of our citizens. I'm asking you to look at the broader picture and to support Erie County's advancement and progress. By working together with a common vision, we can accomplish these goals, and Erie County can and will be transformed into a resounding success story.

I understand that people in our community fear change, but change is absolutely critical to our success. Even though the creation of a community college and the development of an airport runway extension are critical to our future success, some in our community are not completely convinced. But if you recall, when our community went through the difficult process of selecting a site for a new library, time and time again, I heard people say, "Nobody will go to a library on the bayfront," and yet, the Blasco Library has been a huge success with a half a million visitors a year. I also remember people saying, "Nobody will go to a baseball game downtown," and yet, our beautiful Jerry Uht Ballpark attracts hundreds of thousands of people every spring and summer, creating an economic stimulus for the entire downtown region, creating new businesses, and bringing millions of dollars into the City. And yet another time when I was on County Council, I heard people say, "Nobody will use a convention center on the bayfront," but its magnificence has proven so many wrong. People are drawn to its beauty, and in fact, our expectations have already been exceeded.

We have one of the finest regions across the State, and our potential is enormous. I'm asking the citizens of Erie County to take that leap of faith with me in supporting the airport runway extension and establishing a community college, because it's the right thing to do. I would rather be part of a community that is willing to stand up and move forward than to stay stagnant and watch our demise. I want to raise up our Erie County citizens to be stronger than ever before, to turn non-believers into believers, and to create not just a "can-do" attitude, but a "WILL-do" attitude.

We need to establish a community college, to help drive a new vision for the future of Erie County, a future in which every child can, and must, get a quality education; where every child can, and must, succeed; a future in which poverty is no longer prevalent in our community, and every citizen, especially our children, has health care that is world class.

There is a broken link in the chain tying poverty and education together, and that is poor health. If people in our community are not educated, they are not able to find suitable employment, and if they're not healthy, they are not able to work at all. And, most of the jobs the underserved are able to get, do not offer healthcare. We have outstanding medical care and facilities for those who have healthcare plans, but for those who don't, the outlook is very bleak. In our society healthcare is essentially limited to those with the means and the ability to pay for it themselves or through employee health plans. There are severe limits, most especially with regard to preventive healthcare, on what someone without access to healthcare can do, and the problem is quickly compounded when a major health problem arises. Today, of the 6,500 children eligible for CHIPS in Erie County, only 3,000 are enrolled. Too many of our citizens are being forced to make a choice between putting food on the table and paying for a prescription. Not only is it fundamentally wrong for people to have to choose; it is too costly to the business community and it is devastating to families. It has been firmly established that it is infinitely cheaper to pay for preventive care than to pay for the devastating consequences of the lack of it. It is for these reasons that I have been working diligently with our community leaders, church elders, healthcare professionals, and other community participants to focus on finding solutions to the disparity in healthcare across Erie County. We cannot ignore this issue. This crisis can be solved, and it will be solved, through collaboration, coordination, and outreach.

By offering both educational opportunities and health choice options, we will be giving the people of Erie County an opportunity to make a better life for themselves and their families.

I see a future in which Erie is no longer below that national average—in the number of college educated people, in the number of highly skilled people, in our annual household incomes—but instead, is routinely recognized among the leading communities in America.

I see Erie County, by twenty-twenty, having the healthiest, the best educated, and the most secure citizens of any county in the country.

And I see a future in which we regard ourselves, not just in material terms, not just in terms of jobs and household incomes and economic opportunity, but in civic terms. We can, and should expect, from our children, from all of our citizens, a deeper connection to the civic culture of our community.

Therefore, that is why I say, "in civic terms," because it will not be enough for the next generation to simply succeed as individuals. They will need to succeed as citizens as well, citizens capable of building social and civic as well as economic capital, citizens capable of starting and sustaining Erie's renaissance.

County Executive
Comments

Probably most of us here, as children, had parents or family members who encouraged us, supported us, and gave us the promise of a bright future. Imagine, for a moment, having a childhood with no encouragement, no support, and no promise of a bright future. What would be your motivation to do well in school, or to even finish school? What would be your motivation to stay out of trouble? What hope could you possibly have for a brighter future? People living in poverty, and especially children living in poverty, suffer from feelings of hopelessness, frustration, fear, and distrust. When there is no hope, there is no motivation.

Now, imagine an Erie County where our children grow up healthy and strong, living in a safe and protected environment, an Erie County where all children, regardless of their income, will have the opportunity for higher education and a brighter future. Imagine an Erie County that is filled with motivated and hopeful students, productive citizens, and vibrant and thriving communities.

Let's start that renaissance today. Let's lift the next generation, and let's lift the entire Erie County community, to a level unprecedented in our history. Let's do it today, by committing ourselves to a community college, to a runway extension project, and to affordable and accessible healthcare for all of our citizens, especially our children, and in doing so, plant the seeds, which will grow the trees, under which we may never sit...though the generations that follow us, most certainly will.

Thank you.

Finance Committee

Mr. Mitchell reported the Finance Committee met on April 24, 2008, and agreed to place on the agenda for a second reading Ordinance 55 which is the Human Relations Commission and the creation of new line items. Mr. Mitchell explained the new line item is a bookkeeping issue so that departments can move funds as they are received or used. Also on the agenda for second readings are Ordinance 56, a leasehold for the Millcreek Mall Library branch; Ordinance 57, a companion ordinance to 56; Ordinance 58, a general fund supplemental appropriation for litigation costs for restricted gaming lawsuit; Ordinance 59, 2008 Domestic Relations Fund supplemental appropriation for adjustment of Title IV-D; Ordinance 60, a supplemental appropriation transfer for Domestic Relations Fund for reduction in Title IV-D, a companion ordinance; and Ordinance 61, Children and Youth Services Fund Budget creation of line items due to court ordered placements. Also Resolution 24, approving new lease between Erie County and Cafaro Company, currently on the table, has also been placed on the agenda.

Under New Business, the Finance Committee agreed to place on the agenda Ordinance 63, dealing with the fifth floor construction and Ordinance 64 which is the hotel room tax rental review and creation of new line items. Mr. Mitchell noted that this is a review so that the County knows hotels are paying this tax on time and the line item is for a place to put the money as it comes in. The County needs to monitor these hotels to make sure they are paying their fare share. Also on the agenda are Ordinances 65, a supplemental appropriation for increased data processing costs in the District Attorney Office; 66, for donation of radeye radiation meters and holsters from the Northwest Pennsylvania technical response team for the public safety department; 67, an EMA fund budget supplemental appropriation for HAZMAT telephone services and creation of new line item for communications that HAZMAT uses in emergencies; 68, a companion piece which is a transfer to EMA Fund for telephone expenditures; 69, a supplemental appropriation for emergency service fees and creation of a new line item. Several resolutions have also been placed on the agenda for adoption: Resolution 28, in support of cooperative project to combine the City and County of Erie Emergency Centers and Emergency Operations Plans; Resolution 29 to 35 which all deal with trailers. Mr. Mitchell explained the problem is that people abandon them. The school districts and municipalities act on these before Council. He further explained that many times the trailer owners have departed from the state with the trailers. Resolution 36 is also an

Finance
Committee

exoneration of taxes. Resolution 37 deals with the Intergovernmental Cooperation Agreement between the County of Erie and the Municipal Airport Authority. The possible appointments of Donald Calabrese and Barbara Chroscielowski to the Regional Asset Funding Committee have been placed on the agenda along with the possible sale of parcel from the repository.

Personnel
Committee

Mr. Cleaver reported the Personnel Committee met on April 24, 2008 and agreed to place five items on the agenda; for a second reading Ordinance 62, creation of administrative assistant in Personnel and for first readings Ordinances 70, 71, 72 and 73.

Mr. Leone's
Report

Mr. Leone addressed Ms. Vendetti who spoke during the Hearing of the Public. She indicated that three agendas were mailed out. Mr. Leone then asked Mrs. Bruno, Council Secretary, what is mailed to Mr. Leone. Mrs. Bruno replied that the Council Office mails nothing out to Mr. Leone. Mr. Leone noted that he picks up his own agendas, doesn't charge for mileage to do that, and feels it is incumbent on anyone that wants an agenda to pick it up.

Millcreek Mall
Library Branch

He expressed agreement with some of the comments made by Mr. Przepierski regarding the Millcreek Mall Library. He stated he will vote no on that particular ordinance. Mr. Leone finds it difficult to understand how the owner of a facility can ask a lessee to move when there is a lease. This issue concerning the relocation of a library branch in the Millcreek Mall provides a service to the owner of the mall. Council should recognize that this is not in the best interest of the County, but in the best interest of the mall owner. Mr. Leone asks why Council would consent to pay \$125,000 to relocate. The reason given does not satisfy him. His constituency was deprived of a branch when the East 38th Street branch closed. If anyone believes that this move would satisfy the needs of his constituency, they are sadly mistaken.

In conclusion, Mr. Leone stated this owner should pay to make the branch whole if he expects to move this branch to another location. Mr. Leone predicts that the services and circulation will diminish, and he will not vote to burden the taxpayers with another \$125,000 of useless costs.

Court Funding

Mr. Leone also brought up the issue of court funding. He reported that years ago, December 7, 1987, the Supreme Court ruled that the courts must be funded by the state and cause a unified court system. At one time, this County stopped funding the courts. In fact, in the 1989 budget, it was funded for six months and then the matter ended up in court. The courts took Erie County to court. Mr. Leone noted that it is not possible to win an issue involving the courts that are ruled on by the courts. Mr. Foust's father, Paul Foust, and Mr. Leone followed the proceedings and waved a flag of surrender early. Incidentally, Mr. Foust did not vote for the defunding, nor did Mr. Walkow or Mr. Bukowski.

Soon after all this transpired, the Courts devised a system that would eventually have the state court systems on a unified basis. Some of these phases included administrative assistant, secretary, D.J.'s, and a variety of other areas that the courts would have control of, and be in direct supervision of these areas. Mr. Leone believes that this was supposed to take place in a relatively short period of time, within a few years. Mr. Leone referred to the minutes of November 30, 1988, which state:

“...the State Supreme Court's own administrative offices estimated that it would take 3 – 5 years to implement its decision, and 6 – 9 months to formulate a plan for the changeover.”

Mr. Leone observed that it has been twenty years since this law that is not being abided by has been passed. After all these years, this matter has only progressed to the administrative staff of the courts. There were supposed to be four phases. Mr. Leone believes that at some point in time, someone has to take action in this area.

Court Funding

Mr. Leone referred to a letter from Philadelphia indicating they may be willing to begin a phasing out system; however, it must be kept in mind that the Supreme Court has ruled, and as such, must be the law. In fact, Council's own solicitor, Mr. Talarico at that time, stated that it is the law.

Mr. Leone pointed out that no one is opposed to their operations, but as one Council Member, he is willing to propose a resolution similar to the one from Philadelphia in an effort to start the ball rolling. A unified court system will save the county taxpayers millions of dollars. These dollars could be returned to the taxpayers in an additional tax relief via property taxes or otherwise. Mr. Leone expressed his hope that the courts understand his intent. There is no malice towards the Common Pleas court; he only wants to do what is best for the taxpayers and this community.

He read the letter from Bill Green, Councilman-At-Large, City Council of Philadelphia, into the record:

Dear Commissioner Leone:

On April 10, 2008 I introduced two ordinances in Philadelphia City Council that would alternatively reduce or eliminate the City's funding of the First Judicial District.

As I am sure you are aware, over twenty years ago the Pennsylvania Supreme Court ruled that the Pennsylvania statutory scheme which requires counties to fund Pennsylvania's unified judicial system violated the Pennsylvania Constitution. *See, County of Allegheny v. Commonwealth of Pennsylvania*, 517 PA. 65 (1987). After the General Assembly continued to refuse to provide funding to the courts, the Supreme Court imposed a January 1, 1998 deadline upon the General Assembly for it to enact a funding scheme for the unified judicial district. *See, Pennsylvania State Association of County Commissioners v. Commonwealth of Pennsylvania*, 545 Pa. 324 (1996). To date, no such funding scheme has been created by the General Assembly and counties across the Commonwealth still bear this unconstitutional burden.

I see no reason why another law suit would produce any different results, even though a favorable ruling is likely. This is why I think we need a different, more aggressive approach.

I have proposed two approaches in Philadelphia, both of which would remove funding of the court systems from our future budgets. One of the ordinances I introduced would eliminate funding all together beginning in the FY09 budget. The other would reduce funding by 25% in the FY09 budget, and continue to reduce funding by 25% each subsequent year until it is eliminated altogether in 2012. The resolution and ordinances are attached.

It is my hope that you will consider taking similar action for your county in its FY09 budget. If your county and others will join Philadelphia, this action will be more than symbolic. We can hopefully negotiate an agreement over funding with them that is responsible and meets the needs of the counties and the General Assembly.

If you are willing to take a similar position, or should you have any questions or would like to discuss this matter, please contact me at 215-686-3420 or billgreen@phila.gov. Even if you intend no action, I would appreciate hearing from you via email so that I can have a sense of the plans in other counties. Thank you in advance.

Sincerely,

/s/ Bill Green
Councilman-At-Large
City County of Philadelphia

Mr. Leone explained that the Philadelphia ordinance and resolution were passed on April 10, 2008. They researched extensively, and Mr. Leone believes Council should propose a resolution. He intends to look into the matter and work with the Clerk to attempt to come up with a resolution. Whether or not Members of Council vote for this is beside the

Ct. Funding

point. Mr. Leone strongly believes it is time to do something about this matter, and he feels it is time the state took its responsibilities as does Council. The funding for the courts continues to escalate. There are many areas that belong to the courts including Domestic Relations and these costs that must be funded are continuing to rise because these are mandated services that the County has to provide for.

Mr. Giles' Report

Mr. Giles noted that he also received the same letter from Philadelphia City Councilman Bill Green. When he received the letter, Mr. Giles felt this would be an issue that other Pennsylvania counties may be interested in. Mr. Giles felt that Doug Hill, the Executive Director of the County Commissioners Association, may wish to review it as well. Mr. Giles recalled when Paul Foust, Mr. Leone and he were all involved in this issue with the courts and who won. The one lesson they learned from this experience is that no municipality, county or jurisdiction can reduce a funding level. The Courts prevailed at the end of the day. He feels CCAP would be interested to know that this movement is afoot. This is a very difficult issue, but until the Governor and the State Legislature take it seriously, Mr. Giles does not see this successfully moving forward. Mr. Giles agrees with Mr. Leone that this needs to keep moving, but he is not sure how that can be accomplished unless the state agrees to its responsibility.

Election Day

On April 22, 2008, Election Day was held, and Mr. Giles observed that with the new electronic system and the huge number of people who often only vote in the Presidential Election and using this system for the first time, everything went well. On behalf of Council, he extended compliments to Mr. Smith, Mrs. Drayer, and the rest of the staff. There were some minor problems that were easily resolved and efficiently and professionally handled. There was a large voter turnout and everyone who worked that day did an outstanding job in a professional and efficient manner.

Local Gov't. Excellence Award

Mr. Giles reported that on April 15th he was surprised and delighted to receive the Local Government Excellence Award for Outstanding Service to Local Government 2008. He displayed the trophy he received and the Citation from the Lieutenant Governor which read:

In Recognition of

Joseph F. Giles
Local Government Excellence Award Recipient
April 15, 2008

As Lieutenant Governor of the Commonwealth of Pennsylvania, I am delighted to extend my personal congratulations to you, Joseph F. Giles, for receiving the 2008 Governor's Award for Local Government Excellence.

Our great Commonwealth possesses a rich history of inspirational community leaders such as you. You have truly set the standards that others should follow. As you continue to promote the principles of good character and purposeful living to achieve your goals, remember the ideal of standing strong for principles both in times of difficulty and of success.

You are honored this day due to your vision, persistence, tenacity, and commitment to the betterment of society and government. As such, I share the words of Albert Schweitzer, who once said,

"I don't know what your destiny will be, but one thing I do know: the only ones among you who will be really happy are those who have sought and found how to serve."

On behalf of all Pennsylvanians, I would like to commend you for your outstanding achievements to earn this venerated honor. Congratulations on your success and may you continue to enjoy great achievements in all your future endeavors.

*/s/ Catherine Baker Knoll
Lieutenant Governor*

Local Gov't.
Excellence Award

Mr. Giles noted other awards were presented as well to local government people such as the Redevelopment Authority; however, only seven individual awards were presented and Mr. Giles was the only county official to receive an award. He was asked to be present and keep this information confidential until the government released the information. Mr. Giles anticipated everyone in the room would be receiving an award. He was the only county official, however, also receiving awards was a city mayor, a borough and a township representative, and Mr. Giles. An individual from Girard on the board for the township association approached Mr. Giles afterwards and extended his congratulations. Mr. Giles stated this was certainly a surprise and it is nice to receive some positive notice for the work one does.

Mr. Mitchell noted that this award was not a small deal. Mr. Giles agreed this was a large ceremony and appreciated the recognition given to him from Harrisburg.

Volunteer Week

Mr. Giles spoke at the celebration on April 16th at Pleasant Ridge Manor for Volunteer Week. He noted this was a particularly challenging evening for him since his Down Syndrome Sister passed away at Pleasant Ridge Manor last November. Thanking those volunteers that worked with her and everyone else with such dedication, fervor and commitment was also a personal thank you. Mr. Giles used the book by Leo Buscaglia, Ph.D., *The Fall of Freddie the Leaf* as a kind of text. This was a very memorable evening and Mr. Giles wished to remind everyone to be appreciative of those who volunteer their time to truly benefit the lives of the people around them and contribute in a way these residents at Pleasant Ridge Manor can appreciate. These are their final months and years, and these individuals who give their time to make those days comfortable and rewarding should be honored.

Mentally Ill/
Criminal Justice

On April 18th, Mr. Giles was invited to provide formal testimony before the House Judiciary Committee because of the work he has helped to advance in Erie County regarding the mentally ill and the criminal justice system. Some legislation is currently moving through the House that would provide some financial support to state and counties to assist with the increase in the number of mentally ill offenders throughout the entire system. That opportunity, although formal, was certainly an excellent opportunity, and Mr. Giles was able to explain how much work has been done regarding the committee in place and the grant through Eli Lilly to do a root cause analysis, as well as regarding the grant currently being applied for from the Department of Justice to further this issue. The data shows there are more people being housed within the county facility with serious mentally ill issues. Mr. Giles expressed his hope that this will have a financial yield for the county. The Committee includes individuals from the administration, the warden, the courts, individuals from both the legal and treatment side and from the Mercyhurst Civic Institute. Hopefully, Mr. Giles will be announcing a grant award so the committee can implement some of their ideas.

Mr. Mitchell's
Comments

Mr. Mitchell wished to add his congratulations to Mr. Giles on the award he received. This award is one of the most prestigious in local government service given at a very large luncheon in Harrisburg. Unfortunately, this year Mr. Mitchell's schedule did not permit him to attend; however, he feels Council owes Mr. Giles a round of applause. A round of applause then followed for Mr. Giles.

HUD Grant in
HRC Adopted

Mr. Smith gave a second reading of Ordinance Number 55, 2008, "Twenty-First 2008 General Fund Budget Supplemental Appropriation for HUD Grant in Human Relations Commission and the Creation of New Line Items." Mr. Leone moved to adopt; Mr. Mitchell seconded.

Mr. Giles noted that a great deal of work has been done in this area for a number of years to secure federal funds regarding the Human Relations Commission. This area is getting more competitive and securing funds is becoming more difficult. It required diligent effort on the part of everyone involved and Mr. Giles wished to extend his gratitude to all for their partnership and the opportunity to secure these funds which enhance affordable housing issues for our county.

Mr. Giles called for a vote on Ordinance Number 55, 2008 and it carried in a unanimous roll call vote.

Leasehold Impr.
For Mall Library

Mr. Smith gave a second reading of Ordinance Number 56, 2008, "Twenty-Second 2008 General Fund Budget Supplemental Appropriation for Leasehold Improvements for New Location of Millcreek Mall Library Branch and the Creation of New Line Items." Mr. Cleaver moved to adopt; Mr. Mitchell seconded.

Mr. Talarico advised Council that the lease agreement has been tabled and if Council decides not to remove that agreement from the table, it might not be appropriate to fund it without first voting on the agreement. Mr. Giles replied that, with the trust that the language is in accord with the administration and prior discussion held and everything is in place with the lease, he sees no harm in the financial transaction at this point. Mr. Talarico reminded Mr. Giles there is no lease agreement at this time. Mr. Giles commented that nothing will happen until the lease is approved and he feels this action is appropriate.

Mr. Giles then called for a vote on Ordinance Number 56, 2008, and it carried in a roll call vote of 6-1, Mr. Leone voting no.

Gaming Fund
SA Transfer for
Leasehold Impr.
At Mall Library

Mr. Smith gave a second reading of Ordinance Number 57, 2008, "Second 2008 Gaming Fund Budget Supplemental Appropriation for Transfer to General Fund for Leasehold Improvements at New Millcreek Mall Library Branch and the Creation of a New Line Item." Mr. Cleaver moved to adopt; Mr. Fatica seconded. Mr. Giles advised that with this ordinance Council is using unrestricted money in gaming to cover this cost, so there is no taxpayer dollars at this point. He then called for a vote and it carried in a roll call vote of 5-2, Mr. Leone and Mrs. Loll voting no.

Litigation Costs
For Restricted
Gaming Lawsuit

Mr. Smith gave a second reading of Ordinance Number 58, 2008, "Twenty-Third 2008 General Fund Budget Supplemental Appropriation for Litigation Costs for Restricted Gaming Lawsuit." Mr. Mitchell moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Dom. Rel. SA
Adjust. IV-D
Revenue

Mr. Smith gave a second reading of Ordinance Number 59, 2008, "Third 2008 Domestic Relations Fund Budget Supplemental Appropriation for Adjustment of IV-D Revenue." Mr. Leone moved to adopt; Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Transfer to Dom.
Rel. for Reduc.
Title IV-D Rev.

Mr. Smith gave a second reading of Ordinance Number 60, 2008, "Twenty-Fourth 2008 General Fund Budget Supplemental Appropriation for Transfer to Domestic Relations Fund for Reduction in Title IV-D." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

C&Y Creation of
Line Items Due to
Ct. Ord. Plcmts.

Mr. Smith gave a second reading of Ordinance Number 61, 2008, "2008 Children & Youth Services Fund Budget Creation of Line Items Due to Court Ordered Placements." Mr. Leone moved to adopt; Mr. Fatica seconded.

Mr. Leone moved to amend the ordinance to eliminate the letter attached to the ordinance and also remove language from Exhibit A which states "Note: County is requesting the ability to create line items for court ordered placement facilities only with 10% budget transfers completed immediately after creation of new line item." Mr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Giles called for a vote on Ordinance Number 61, 2008, as amended, and it carried in a unanimous roll call vote.

Adm. Asst in
Personnel

Mr. Smith gave a second reading of Ordinance Number 62, 2008, "Twenty-Fifth 2008 General Fund Budget Supplemental Appropriation for Creation of Administrative Assistant Position in Personnel." Mr. Cleaver moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mrs. Loll voting no.

Resolution Remains
Tabled

Mr. Giles asked for a motion to remove Resolution Number 24, 2008, "Approving a New Lease Between Erie County and the Cafaro Management Company for the Millcreek Mall Library Branch" from the table. There being no motion to remove, the Resolution remained tabled.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 63, 2008, "2008 Capital Projects Fund Supplemental Appropriation for Fifth Floor Construction Project"

Ordinance Number 64, 2008, "Twenty-Sixth 2008 General Fund Budget Supplemental Appropriation for Hotel Room Tax Rental Review and Creation of New Line Item"

Ordinance Number 65, 2008, "Twenty-Seventh 2008 General Fund Budget Supplemental Appropriation for Increased Data Processing Costs in District Attorney Office"

Ordinance Number 66, 2008, "Fifth 2008 EMA Fund Budget Supplemental Appropriation for Donation of Radeye Radiation Meters and Holsters from the NWPA Technical Response Team"

Ordinance Number 67, 2008, "Sixth 2008 EMA Fund Budget Supplemental Appropriation for HAZMAT Telephone Services and the Creation of a New Line Item"

Ordinance Number 68, 2008, "Twenty-Eighth 2008 General Fund Budget Supplemental Appropriation for Transfer to the EMA Fund for Telephone Expenditures"

Ordinance Number 69, 2008, "Seventh 2008 EMA Fund Budget Supplemental Appropriation for Emergency Service Fees and the Creation of a New Line Item"

First
Readings

Ordinance Number 70, 2008, "Twenty-Ninth 2008 General Fund Budget Supplemental Appropriation for Change in Grade of Risk Management Coordinator Under Director of Administration"

Ordinance Number 71, 2008, "Thirtieth 2008 General Fund Budget Supplemental Appropriation for Change in Salary for the Senior Secretary Position in MDJ Lefaiver's Office"

Ordinance Number 72, 2008, "2008 General Fund Budget Revised Expenditures for Correction of Bargaining Unit Status in Specialized Juvenile Probation"

Ordinance Number 73, 2008, "2008 General Fund Budget Revised Expenditures and Creation of New Line Item for a Change in Bargaining Unit Status in Coroner's Office"

Resolution 28
Tabled

Mr. Leone moved to table Resolution Number 28, 2008, "In Support of a Cooperative Project to Combine the City and County of Erie Emergency Centers and Emergency Operations Plans." Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Exonerations
Adopted

Mr. Leone moved to adopt the following resolutions:

Resolution Number 29, 2008, "Exonerating Taxes on Thirty-Seven (37) Abandoned Trailers/Properties in McKean Township, Washington Township, and the General McLane School District"

Resolution Number 30, 2008, "Exonerating Taxes on Six (6) Abandoned Trailers/Properties in Concord Township, Wayne Township, and the Corry Area School District"

Resolution Number 31, 2008, "Exonerating Taxes on Two (2) Abandoned Trailers/Properties in Girard Township and the Girard School District"

Resolution Number 32, 2008, "Exonerating Taxes on Seven (7) Abandoned Trailers/Properties in Summit Township and the Fort LeBoeuf School District"

Resolution Number 33, 2008, "Exonerating Taxes on Five (5) Abandoned Trailers/Properties in Lawrence Park Township and the Iroquois School District"

Resolution Number 34, 2008, "Exonerating Taxes on Three (3) Abandoned Trailers/Properties in Millcreek Township and the Millcreek School District"

Resolution Number 35, 2008, "Exonerating Taxes on Six (6) Abandoned Trailers/Properties in Harborcreek Township and the Harbor Creek School District"

Mrs. Loll seconded the motion. Mr. Giles inquired about these properties adding the number of abandoned trailers/properties is higher than normal. Mr. Sparber replied that these are left over from previous years. In an effort to clean up the books, this is being done. Mr. Giles confirmed that this was a matter of cleaning up the record, not necessarily the property. Mr. Foust asked how long these properties are abandoned before action is finally taken. Mr. Sparber answered that when Assessment has an opportunity to look at these properties, this action can be taken. The reason these particular properties were caught is because a person from Assessment has been assigned to go out and specifically deal with trailers. Mr. Leone noted some of these are from 2003, 2004 and 2005. Unfortunately, these trailers don't get caught right away and he feels

Exonerations
Adopted

there will probably be more coming to the attention of Council. Mr. Sparber agreed that there will be more; however, this is the lion's share. Mr. Giles then called for a vote on Resolutions 29 through 35, and it carried in a unanimous roll call vote.

Exoneration
Adopted

Mr. Smith gave a reading of Resolution Number 36, 2008, "In Support of the Exoneration of Delinquent Real Estate Taxes on Property Number 37-025-088.6-015.30." Mr. Mitchell moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

Approving ICA

Mr. Smith gave a reading of Resolution Number 37, 2008, "Approving the Intergovernmental Cooperation Agreement Between the County of Erie and the Municipal Airport Authority." Mr. Cleaver moved to adopt; Mr. Fatica seconded. Mr. Leone indicated in caucus that although he doubted there is much of a conflict, he does not wish to take any chances, and will abstain on voting for this particular resolution.

Mr. Giles referred to an article in the *Cleveland Plain Dealer* dated April 25th called "Plan to Extend Runway at Cuyahoga Airport Grounded" which describes how their plan called for the runway to be extended from 5100 feet to 6000 feet approximately. No homes would be displaced as a result of this extension; however, Cuyahoga County has apparently decided through their commissioners not to do that. As a point of reference, expanding the airport and dealing with airports is not just some issue that Erie County is dealing with, but an issue for our neighbors to the west which they decided not to do for whatever reason. Mr. Giles then called for a vote on Resolution Number 37, and it carried in a roll call vote of 6-0-1, Mr. Leone abstaining.

Donald A. Calabrese
Appt'd. to Regional
Asset Funding Comm.

Mr. Leone moved for the appointment of Donald A. Calabrese to the Regional Asset Funding Committee. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Barbara Chroscielewski
Appt'd. to Regional
Asset Funding Comm.

Mr. Cleaver moved for the appointment of Barbara Chroscielewski to the Regional Asset Funding Committee. Mr. Leone seconded.

Mr. Giles reported that both Mr. Calabrese and Mrs. Chroscielewski were invited to attend the Regional Asset Funding Committee meeting a few days ago. This was the third meeting of that body and they are moving aggressively to complete their work assignment. The Committee is optimistic that there will be information ready for review by the end of May. Mr. Giles then called for a vote on the appointment and it carried in a unanimous roll call vote.

Sale of Parcel
Approved

Mr. Leone moved to approve the sale of Parcel from Repository for Unsold Properties at Index Number: 50-001-006.0-006.54. Mrs. Loll seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 7:58 p.m.

Ann M. Bruno, Council Secretary
